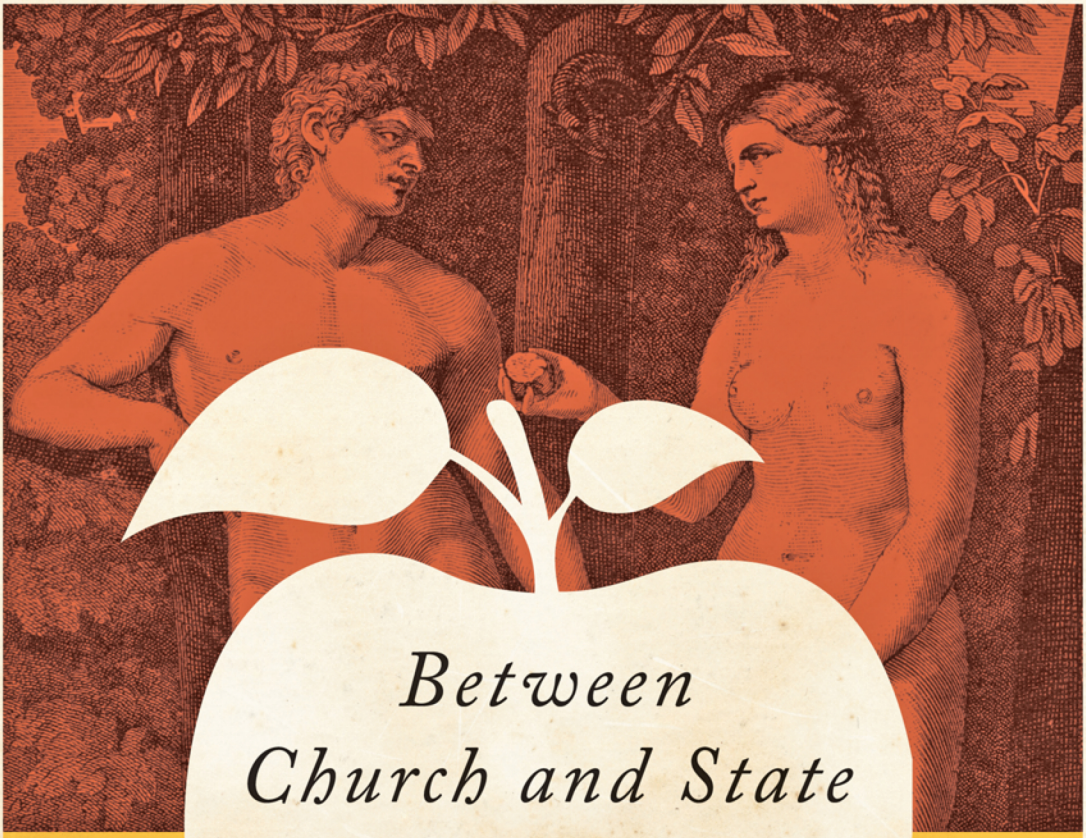
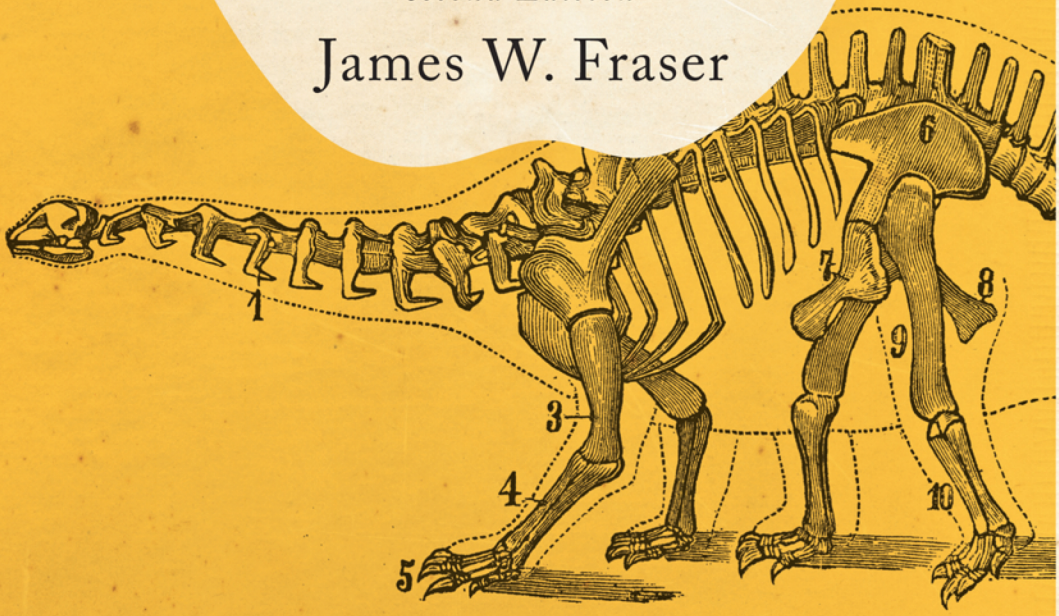


Between Church and State

RELIGION AND PUBLIC EDUCATION IN A MULTICULTURAL AMERICA

Second Edition

James W. Fraser



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Between Church and State

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RELIGION AND PUBLIC EDUCATION
IN A
MULTICULTURAL AMERICA

Second Edition

James W. Fraser
New York University

Johns Hopkins University Press
Baltimore

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In memory of
Lawrence A. Cremin
Paulo Freire
Kenneth Haskins

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I am delighted that this second edition of *Between Church and State* is appearing now. The fact that there is sufficient interest in the topic to justify a second edition is primarily due to the continuing life of the controversies discussed in this book. This second edition also owes its existence to the urging of several friends and colleagues. For some time, Diane Moore of the Harvard University Divinity School and Milton Gaither of Messiah College have encouraged me to create a revised an updated version of the book originally published in 1999. I am so grateful to Diane and Milton for moral support and detailed editorial advice at every step along the way. I am also grateful to their students. Visiting with seminars at Harvard Divinity School and at Messiah College, hearing questions and comments from students in both places, has greatly enhanced my work. My editor, Gregory Britton of Johns Hopkins University Press, expressed enthusiasm for the project from the moment I mentioned it to him and has guided the book through all the stages of the editorial process. Andre Barnett supported the manuscript at each stage of production. It is gratifying to have so much interest in this work and to now see it coming to fruition.

The fact that the book was ever written in the first place was due to two friends who insisted I write it. My longtime friend and former colleague Nancy Richardson, former associate dean at Harvard Divinity School, extended an invitation for me to discuss this topic at Harvard. After some reluctance, I agreed, and the result was a seminar on religion and public education, which I taught at the divinity school in the fall of 1997. In the midst of my teaching that seminar, Michael Flamini, then senior editor at St. Martin's Press, responded to my enthusiasm for the conversations taking place in my class with a proposal that I publish a book on the same topic. *Between Church and State* is the result.

I taught the course on religion and education at Harvard Divinity School several times between 1997 and 2004. I am deeply grateful to the faculty and staff of Harvard Divinity School for their welcome. Most of all I am grateful to all of those students from the divinity school, the Graduate School of Education, the Kennedy School of Government, and the Law School who participated so

enthusiastically in our mutual efforts to understand this complex and difficult issue. Our conversations and their research are reflected throughout this volume. More recently, it has been my good fortune to teach at New York University Steinhardt School of Culture, Education, and Human Development. Associate Dean Erich Dietrich urged me to revise my Harvard course and offer it as an undergraduate option at NYU Steinhardt. I have done that for several years now. The fact that sixty to seventy students take the course when it is offered is testimony to the interest in the topic in the twenty-first century, and their questions, comments, and general enthusiasm for the discussion are reflected throughout this edition.

In developing the first edition, Elizabeth Wallace, then a student at Northeastern University, and Eliza Garfield, of the Harvard Graduate School of Education, were most helpful. In preparing this second edition, many NYU students, who participated in classes and seminars, produced research papers and looked up an odd bit of information, helped with these revisions. A few have done special work. My graduate assistants in the Religion and Education course—Noah Kipley-Ogman, Annett Graefe, Lauren Lefty, and Amy Karwoski—all provided ideas and information. In addition, Sarah Garrett, Amy Karwoski, Sara Smith, Effie Ferti, Janet Bordelon, and Candyce Quintyne have all contributed special research efforts. Wing Yu Alice Chan of McGill University has been unfailingly helpful in developing some of the ideas for this volume. Both volumes have been possible because of the support of my wonderful family, most of all my beloved wife, Katherine.

Finally, research and writing on the topic of religion and education has returned me to my own earliest roots as a scholar. In writing this book, I have been reminded of my deep intellectual debt to my extraordinary teachers at Columbia University, Lawrence A. Cremin, Robert T. Handy, Robert W. Lynn, and Douglas M. Sloan. All four are cited in this book, but all four shaped me and my thinking about these issues far more deeply than the limited citations in the text imply.

Between Church and State

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Introduction

Between 2000 and 2015, students, teachers, and school authorities in different parts of the United States got very different messages about the place of religion in public school classrooms. Conflicting messages about the place of religion in the nation's schools are not new, but debates about the issue have been quite intense over the past two decades. In 2002, the United States Supreme Court approved a school voucher program for Cleveland, Ohio, that allowed parents to use public funds to pay tuition at private religious schools. Most public funds were used in Catholic parochial schools, but the policy implications beyond Cleveland are unclear. In 2005, state officials in Kansas changed state science standards to enable Intelligent Design to be considered along with evolution in biology classes. The policy was reversed two years later, but the debate about standards remains a lively one in Kansas and in several other states. In a larger number of states, tuition tax credit plans have been approved that allow individuals and corporations to support tuition scholarships at religious schools and to deduct the cost of their contribution from their state taxes. More states are considering such plans. In 2014, two US Supreme Court justices questioned whether the First Amendment's ban on an establishment of religion applied to state and local governments, even though since 1947 the court has ruled that it did. Debates about the place of religion in the nation's public schools are alive and well in the twenty-first century.

Those who thought that the issues of religion in the schools had been solved sometime after the evolution battles in the 1920s, or after the Supreme Court's 1960s' decisions banning formalized prayer and Bible reading in schools, have turned out to be mistaken. The United States has entered a new century with its citizens deeply divided, sometimes confused, and often angry in their differing opinions about religion's proper place in the nation's public schools and the current legal mandates regarding the relationship of religion and public education. Different citizens often are unhappy in different ways; however, one thing is clear: a consensus does not exist. It never did. A thoughtful observer can be relatively certain that battles about church and state, and more specifically about religion in the schools, will characterize the first century of the new millennium as they have for the last two centuries.

Americans have always disagreed about the proper relationship of religion and the public schools, but they have disagreed differently at different points in the nation's history. The European colonial settlers generally believed that schools should teach the faith of the established church, but they argued passionately and violently over which religion should be established. After the American Revolution, with the question of a formal religious establishment for the United States generally resolved in the negative, a new split emerged between those who saw the need for a school-based civic religion that could hold a diverse but still mostly Protestant citizenry together and those who feared that these generic Protestant public schools represented a new religious establishment that would trample on their unique faith as much as a formal state church might have done in the past. Roman Catholics and followers of indigenous Native American religious traditions were only two of the groups that found the effort to create a Protestant civic religion oppressive. By the end of the nineteenth century, these splits had shifted so that much of the nation's elite agreed with the broad terms of a "civic religion"—although they might not have used that term—while growing minorities, including most Roman Catholics, many Jews, and an emerging group of Protestant fundamentalists, felt excluded from the consensus. By the middle of the twentieth century, the US Supreme Court began to define what the separation of church and state meant for schools, including its famous 1962 and 1963 bans on devotional readings and official prayer in schools. At the same time, a variety of groups—Catholics, some Protestants, both white and black, and some Jews—began to lobby for public funding for private religious schools. Another new development in the tensions of a diverse nation emerged at the end of the twentieth century—coming to terms with its diversity of race, faith, and worldview. Since 2000, a more conservative Supreme Court has issued a series of less than clear decisions, leaving teachers, administrators, and parents unsure about what they can and cannot do in the arena of religion. This volume seeks to place the con-

temporary crisis in the nation's approach to church-state or religion–public education debates in a historical and cultural context to shed more light and less heat on the debates that are sure to follow.

A popular sentiment in some US communities is that, somewhere between the Supreme Court decisions that banned mandated prayer and Bible reading in 1962 and 1963 and the political and cultural turmoil of the latter part of that decade, "God was kicked out of the public schools in the 1960s." In response, there are others who believe that the Christian right is engaged in a campaign to impose God on public schools whose purposes have always been secular. Both charges show an amazing lack of historical understanding and are unhelpful if the United States is to function as a tolerant, intellectually informed, and dynamic democracy in the twenty-first century. The purpose of this volume is to make a small contribution toward the kind of understanding that will make the latter a reality.

God's place within the public schools of the United States has been debatable and subject to controversy for as long as there have been public schools. In colonial America, religion played a central role in the schools of every colony, but the understanding of religion differed substantially from colony to colony. With the coming of nationhood and the separation of church and state on the federal level, the public school was pressed into service as a new kind of national church, commissioned to create and carry the common culture and morality of the nation. Because citizens differed dramatically in their definitions of this culture and morality, and especially because newly arrived Catholics, newly freed African Americans, and newly conquered Native Americans all had other ideas, the content of the nation's common creed—and especially the appropriateness of its more overtly religious dimensions for their children—was a subject of fierce debate and continuing change throughout the nineteenth century.

By the end of the nineteenth century, schools had dropped the more obviously religious and generally Protestant Christian trappings of the school faith—due to exhaustion rather than to any thoughtful plan—replacing them with a generic commitment to democracy, reinforced by a set of patriotic symbols, including flags, flag salutes, and the omnipresent pictures of George Washington and Abraham Lincoln. Some religious symbols—Bible reading and prayer in a minority of states, Christmas carols and pious references in most communities—continued well into the twentieth century. Moments of crisis developed from time to time over the teaching of evolution. This was most dramatic in the 1920s, but these moments continued in future decades over federal aid to religious schools in the 1940s, 1950s, and 1960s; over the deeply symbolic issues of prayer and Bible reading; and again because of the teaching of evolution in much of the latter half of the twentieth century. By the end of

the twentieth century, most public schools were secular places, but the debates about what is appropriate in these most public of institutions were as heated as ever.

By 1999, the United States was much more diverse, ethically and culturally as well as ethnically and religiously, than at any previous time. The demographics of US public schools were beginning to shift early in the twenty-first century to a "majority minority," as the number of students born to non–European American parents grew. The mid-twentieth-century description of the nation's people as Protestant, Catholic, and Jewish has expanded to include practitioners of ancient Native American traditions, immigrant and native Hindus, Muslims, Taoists, and Buddhists. A new generation of Americans include a rich amalgam of many creeds in their personal worldview and growing numbers of whom define their religion as "nothing in particular." To say that the nation is more secular or more religious misses the point. At the dawn of the new millennium, the people of the United States are more secular, especially in their public culture, more religious in many different private forms, and more diverse than ever before in the nation's history.

All of this leads, of course, to central questions of this book: How should a diverse and democratic society deal with issues of religion in the public schools? And how has it done so in the past? This volume begins to answer that incredibly complex question with two assertions. First, the discussion of the ways to deal with religion in the schools is not served by nostalgia for a simpler past that never was or by a historical amnesia that often assumes that the solutions "when we were in school" worked then or can work now. Only a careful and thoughtful historical analysis of the many different ways that different generations and different citizens have approached these questions in the past can inform a current debate that must be rich, nuanced, and filled with intellectual curiosity and compassion.

Second, if the United States is to survive and thrive in the twenty-first century, the nation's schools must be places for embracing and building tolerance and a love of diversity. Tolerance alone is not enough if it means a single dominant culture that allows some forms of dissent. Early in his presidential administration, George Washington wrote that, in the arena of religion, tolerance was not sufficient. Writing to the Jewish community in Newport, Rhode Island, Washington said of the new nation: "All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support."[1]

The tolerance that Washington saw as insufficient was nevertheless what tolerance looked like in many eighteenth- and nineteenth-century schools, and it was not sufficient then or now for a democratic society. But there is another kind of tolerance, one that enthusiastically embraces diversity and is truly based on the beliefs that all of us are smarter than any of us and that all citizens have much to teach one another and much to learn from one another. This tolerance is celebrated in multicultural education at its best.

Multiculturalism too can degenerate into a kind of exotic study of many different cultures. But a commitment to multicultural education, and to a multicultural nation, is a commitment to a society in which many different cultures survive, thrive, and are encouraged and in which representatives of these different groups make their own contribution to a larger common culture that is more vibrant for what all of them bring. Such an approach has, on occasion, allowed schools to attend to issues of race, culture, class, and gender. It is by far the best way for schools to attend to issues of religion also. If religion can be added to the multicultural agenda, along with race, class, gender, and sexual orientation, then there is hope of transcending some of the nation's longest-running and most bitter school wars. And there is hope that schools can truly be what John Dewey envisioned, a microcosm and an incubator of a larger democratic society, "worthy, lovely, and harmonious."[2]

Framing the discussion of religion in the schools in the context of multiculturalism enriches our understanding of multiculturalism and provides a framework for discussing religion—and religious differences—that is both informed and respectful. Religion is a fundamental part of most cultures.[3] Efforts to understand different cultural traditions without attention to their religious roots invite a shallowness that is unhelpful to true cultural understanding. At the same time, far more than with race or gender, individual people make individual decisions about their own faith and their ways of understanding the sacred. This dimension of choice adds important complexity to the discussion. Using the lens of multiculturalism to approach the teaching of religion in the schools provides a helpful means of approaching religion. During the last two decades, advocates of multicultural education have found ways to approach some of our society's most divisive issues with respect and tolerance while also insisting that the sometimes hidden dimensions of power and control are understood and dealt with properly.[4] This same approach is exactly what is needed in our approach to religion. Religious symbols—whether prayers, Christmas carols, or readings from sacred texts—can be a means of asserting the power of a dominant culture over others when they are used inappropriately in schools. However, the same symbols, when approached by students seeking to understand difference with respect and insight, can be a means of vastly enriching the school's curriculum.

Too often, school people, especially liberals and progressives, have responded to the issue of religion in schools by hoping for absolute silence, akin to Victorian prudes recoiling at a reference to sex. Liberals and progressives have not embraced the potential of religious difference and discourse, as though by not mentioning religion everything will be fine. This continues to be the approach to religion in many twenty-first-century schools. Yet this approach is not helpful. Each child must be welcomed—the child who is militantly secular or an atheist, the child who is a Protestant fundamentalist, a Unitarian, a conservative Catholic, a Muslim, a Janist, a Buddhist, an Adventist, a Presbyterian, a Jew, or anyone of many other traditions. A child must be viewed as a person with an equal right to respect and a public education but also as a citizen who has his or her own unique contribution to make to the school and to society, a contribution that every other child will be the poorer if they fail to understand.

This multicultural approach to religion is different from the lowest-common-denominator Christianity sought by many in the nineteenth century. It is also different from the deafening silence on issues of religion sought by many school officials of the late twentieth century. Catholic school historian Neil McCluskey described a religious vacuum in which "only the child from a secularist family can feel perfectly at home in the common public school."[5] While many secular families might dispute that conclusion, it is essential that religion never again be introduced into the common public school in a way that will make a secular child less welcome. Children of all faith traditions and none must be equally welcome and at home in twenty-first-century schools. If that happens, all will be wiser for what they have learned.

Taking a multicultural approach to the issue of religion in the schools will not be easy. It will certainly not always be comfortable for students or especially for teachers and parents. Differences can be disquieting and frightening. A multicultural approach also makes certain theological assumptions. For practitioners of a creed that demands absolute and unquestioning obedience to authority, the notion that there is something to learn from others—even while holding fast to one's own faith—is anathema. If people believe they are right and everyone else is wrong, what do they have to learn from others? But such absolutism is the basis of all inquisitions—whether fifteenth-century Spain, twentieth-century Soviet Union, or twenty-first-century ISIS. No religious tradition has been without its militant fanatics, but a democratic society must reject militant fanaticism. At the same time, it must not reject strongly held beliefs. The point of a school approach to religion in which everyone learns from everyone else is not a dilution of belief or a slow movement toward a common faith or toward secularizing students or the culture. The goal is rather a common democratic culture in which a diversity of citizens, each holding his

or her own creed with passion and wisdom, respects other citizens who hold other creeds, or no creed, with equal passion and—it is hoped—with equal wisdom. The goal is an American democracy that is both religiously tolerant and religiously informed. What higher goal could the public schools of a society that aspires to democracy have regarding the topic of religion?

From Holy Commonwealths to "No Laws Respecting an Establishment of Religion," 1600–1792

The majority of European settlers who came to North America in the 1600s were not seeking religious freedom, as we understand it today. Most of those who came for religious reasons came for the freedom to practice their own form of religion and to impose it on all other residents of their colony. When they founded schools, which most of them did rather quickly, they expected the schools to ensure that the next generation continued to believe in the same way. Whether it was the Congregationalism of Puritan Massachusetts, the Anglicanism of Virginia, the Dutch Reformed tradition of New Netherlands, or the Catholic faith of New France and New Spain, religious tolerance was not considered a virtue in the 1600s. Few European residents of any of the Americas in the 1600s or 1700s could imagine a social order, especially educational institutions that were not organized around clear and specific religious beliefs, which they saw as essential to public and private morality and good order.

This situation should not be surprising. In the Europe from which these early settlers came, the notion of anything more than a grudging tolerance for other faiths or the notion that either church or state could survive if separated from each other existed only among a few radicals on the very margins of society. In the early 1600s, when serious North American colonization began, no government in Europe had actually tried separating religion and government

affairs or conducting schools in any way separate from religious authority; none would do so for a long time.

Of course, Europeans were not the only people in the colonial mix in the 1600s. European immigrants arrived on a continent whose indigenous residents had highly developed forms of faith and who could not imagine any aspect of life separate from the spiritual dimension. Africans, enslaved and free, arrived at the same time as the Europeans, and they added their own cultural and religious traditions to the North American mix. In time, as later chapters will show, Native American and African forms of spirituality interacted with European traditions in a multitude of ways. The American religious and educational scene cannot be understood without paying serious attention to the contribution of indigenous American, African, and Asian traditions as well as those of diverse European faiths.

From the beginning, the Europeans brought not only Christianity but also gunpowder and leg irons. They meant to dominate the lands that were new to them and to establish their own culture, and they had the power to do so. When schools first began in the colonies, they reflected European concerns about shaping the culture and passing that culture to a new generation, especially when the new generation was growing up far from the lands where that culture had developed.

If people cannot imagine a separation of church and state, then the relationship of religion and public education is simple: for religion and the public schools are meant to foster the same thing. Anything less would undermine the goal of a homogeneous society united in faith, morals, and forms of government. And so it was in most colonies of British North America in the 1600s and 1700s.

Throughout the colonial era, the different English colonies carried on their own versions of church, state, and school. Distance from England and from one another allowed them to continue their different ways. However, the creation of the new nation in 1776 created a new crisis. Massachusetts, New Hampshire, and Connecticut had their well-established and state-supported Congregational churches. Pennsylvania worked out its own complex relationship between Quakers and non-Quakers. Rhode Island maintained its unique brand of religious freedom. Maryland, North Carolina, and South Carolina comfortably supported parishes and clergy of the Anglican Church of England. Yet none of these models worked for the new nation created by the rebellion against England and the union of thirteen quite different colonies. As we will see, they met the challenge with a number of compromises, leaving religion and education as topics for the individual states to resolve.

Generations of Americans have grown up with a simpler story line. Schoolchildren have learned that the earliest European immigrants came to these

shores for religious freedom. Many people today assume that the separation of church and state was established with the founding of the United States. But reality is not nearly so simple. The result is that school policies about the place of religion have never been simple, are usually highly contested, and are far from settled in the twenty-first century.

A Collection of Holy Commonwealths

The initial English, French, Spanish, and Dutch colonization of North America was as much the result of deadly, often religious, rivalries in Europe than any serious interest in the Americas. Throughout the late 1500s and 1600s, Catholic Spain and France were often at war with Protestant England and Holland. While Spain had established Latin American colonies earlier, it was not accidental that when the English established their first colony, Jamestown, on the North American mainland in 1607, the French moved to establish Quebec in 1608. The Spanish then created a new territorial capital in 1610 in Santa Fe, New Mexico, far north of previous settlements. Four years later the Dutch established a trading center and fort on the Hudson River that by 1625 had expanded to the modern-day cities of Albany and New York City. In 1654, the Dutch surrendered their North American colony to the English, who were rapidly expanding their hold of the Atlantic Coast. By that time, however, Quebec had become the capital of a vast inland empire that stretched from Detroit and Chicago to St. Louis and New Orleans. Spain controlled settlements in Florida and in the Southwest from Texas to California. Catholic and Protestant governments kept a wary eye on each other on both sides of the Atlantic even as they sought religious uniformity in their own nations at home and their colonies abroad.

For most of Christianity's 2,000-year history, certainly from the time of the Roman emperor Constantine's conversion in the fourth century of the Christian era until the Protestant Reformation in the sixteenth century, church and state were seen as one entity, living out God's preordained order for the temporal world. The Reformation broke Europe's religious unity forever but not before almost two centuries of warfare, as Catholics and Protestants of various persuasions—Lutheran, Calvinist, and others—fought to return the continent to what they saw as God's unifying design. While issues of a growing nationalism, cultural and territorial differences, and nascent capitalism all played into Europe's post-Reformation wars, the right to determine the religion of the state was dominant, and few voices spoke for tolerance of other religious traditions. As England's Queen Elizabeth I, herself an ardent Protestant, said, "There cannot be two religions in one State." If there was a one true faith, however much people differed about the contents of that faith, then alternatives to that faith, by definition, must be wrong—and why tolerate error?[1]

By the mid-1600s, not long after the first permanent European settlements in North America, Europe arrived at an exhausted peace. The Peace of Westphalia in 1648 and a number of similar treaties and concessions created a new model for the continent in which different nations and territories would each define the one true faith within their boundaries. Within each realm, a single faith would dominate, chosen for the most part by the leader of the land. So Germany's different duchies and small kingdoms were divided up, some Catholic and some Protestant (either Lutheran or Calvinist). Lutheranism reigned in Scandinavia; Calvinism in Switzerland, Scotland, and the Netherlands. Roman Catholicism was the faith of Spain, Portugal, France, and various city-states of Italy. As the twentieth-century religious historian Sidney Mead described the arrangement: "Each of these groups claimed within its territory religious absolutism. All the dominant groups believed in and demanded religious uniformity within their civil commonwealth enforced by the civil power. In this situation religious fervor combined with patriotism to tinge the relationships between rival groups and individuals with suspicion, fear, and hatred."[2] Rivalry, suspicion, fear, and hatred were all transported to the European colonies of North America.

The England of Queen Elizabeth I (ruled 1558–1603) and her nephew and successor James I (ruled England 1603–1625) demanded Protestant religious uniformity. Despite the monarch's demands, England was a nation divided by deep religious rivalries. A Catholic minority continued to resist and more than a few priests and laypeople paid with their lives for a religious belief that was seen as treasonous in a Protestant nation at war with Catholic powers. There were also deep divisions among Protestants. Some, including the monarchs, were known as Anglicans or Episcopalians, favoring a Church of England that mirrored Catholic structures with bishops, worship that followed the authorized *The Book of Common Prayer*, and statues of saints. Others—Puritans they were called—wanted to "purify" the church far more substantially, abolishing the office of bishop and focusing a simplified worship on the Bible alone. The deep divide between all of these factions sped the colonization of North America as each English faction sought its own colonies as a haven for those who shared their outlook due to tensions at home.

The first settlers to arrive in the English colony of Jamestown in 1607 were not much interested in religion or education. They were nearly all men intent on making their fortune. Nevertheless, the Virginia Charter of 1606, which authorized the colony, required that "the true word and service of God and Christian faith be preached, planted, and used . . . according to the doctrine, rights, and religion now professed and established within our realm of England," which meant state support for Episcopal priests and the Episcopal liturgy of *The Book of Common Prayer*.[3] Anglican clergy arrived in Virginia as early as 1610. The

first General Assembly in Virginia in 1619 ordered all ministers to "read divine service, and exercise their ministerial function according to the ecclesiastical laws and orders of the Church of England," setting the stage for an Anglican-Episcopal state church that would continue in Virginia up to the time of the Revolution, strengthened by Episcopal refugees from the short-lived Puritan takeover of England in the mid-1600s. The Virginia authorities required that parents and masters of servants send their children to religious instruction and insisted that church officials present "such masters and mistresses as shall be delinquents in the catechizing the youth and ignorant persons" with substantial fines. Virginia's dispersed settlements made the rules hard to enforce, and the law seems to have been honored as often in the breach as not. However, the legislature's concern for rudimentary education was clear and that education was meant to reflect the established religious values of the colony.[4]

For the New England Puritans, education was essential to faith. Puritans insisted that each believer needed to make his or her own peace with God, and he or she needed intelligence and therefore education to do so. Thus, it should not be surprising that the famous 1647 law requiring a school for every town in Massachusetts began: "It being one chief project of that old deluder, Satan, to keep men from the knowledge of the Scriptures. . . ." Being practical, the authors of the law also moved quickly to counter Satan. The next sentence read, "It is therefore ordered, that every township in this jurisdiction, after the Lord hath increased them to the number of fifty householders, shall then forthwith appoint one within their town to teach all such children as shall resort to him to write and read."[5] Five years earlier the colony's legislature passed another law also requiring that every parent and master of indentured servants ensure that all children in the household (female as well as male, indentured servants as well as family) were taught "to read and understand the principles of religion and the capital laws of the country."[6]

The Massachusetts Puritans were never as intolerant as their latter-day detractors have portrayed them, but they were single-minded in their commitment to pursue their own form of church and state—religion and school, and their tolerance never extended to any who might challenge that polity. The political persecution of Puritans under James I and his son Charles I (1625–1649) guaranteed the rapid growth of Massachusetts as well as the other Puritan colonies of Plymouth (then a separate colony), New Hampshire, and Connecticut. The separate colonies of Connecticut and New Haven adopted laws patterned on the Massachusetts model in 1650 and 1655, respectively.

The earliest schools in New England taught youth to read using *The New-England Primer*, which began with the alphabet in verse form from "In Adam's Fall, We sinned all" right through to "Zacchaeus he did climb the Tree, Our Lord to see." As with any good text, the subsequent reading lessons grew in

complexity and included the Lord's Prayer, stories of Puritan martyrs in England, to a statement of faith.[7]

The non-English colonies of North America had similar policies. French Canada and the Spanish-dominated Southwest were Catholic and as unwelcoming to Protestants as the English colonies were to Catholics. Schooling in New France and New Spain was generally under the direct control of Catholic priests and nuns.

Dutch New Netherlands, later New York, included in its 1640 charter a proviso that "no other religion shall be publicly admitted in New Netherlands except the Reformed, as it is at present preached and practiced by public authority." When a community of Jews sought refuge in New Amsterdam in 1654, the colony's governor wanted to expel them. However, in spite of Peter Stuyvesant's efforts to enforce the charter and cleanse New Netherlands of all but Dutch Calvinists, the authorities in Holland would not support him. When he tried to banish the newly arrived Jews because of their religious beliefs, the instructions from Holland to him were clear: stop banishing others lest "you intend to check and destroy your population." The new colony needed people if it was to survive. So Stuyvesant was ordered to "let everyone be unmolested, as long as he is modest; as long as his conduct in a political sense is irreproachable; as long as he does not disturb others, or oppose the government."[8] In spite of its intolerant governor, the settlement at the base of the Hudson became a haven for a wide assortment of Christians, Jews, and others who did not share any particular religious persuasion.

The governor of Sweden's short-lived colony came with instructions to "take good measures that the divine service is performed according to the true confession of Augsburg, the Council of Upsala, and the ceremonies of the Swedish church."[9]

From the earliest years of the English colonies, there were exceptions to the general policy. In the 1630s, as Puritans were developing Massachusetts Bay, Roger Williams, a young minister in Salem, Massachusetts, concluded that, contrary to the laws of the colony, the government should have no authority over an individual's relationship with God, arguing against government-compelled church attendance or the use of tax money to support the clergy. He wrote, "No one should be bound to maintain a worship against his own consent." For these beliefs, Williams was banished, but after a harrowing winter trek through the wilderness, he succeeded in settling in and then receiving a charter for a new colony in Rhode Island. The charter from the English Parliament, later confirmed by King Charles II, included a provision that "no person within the said colony, at any time hereafter, shall be any wise molested, punished, disquieted, or called in question, for any differences in opinion, in matters of religion, who do not actually disturb the civil peace of our said colony."

Perhaps only because Rhode Island was such an isolated place in North America, the English Parliament and king were willing to try such a radical experiment.[10]

At the same time, tensions were growing in England between Puritans and those allied with the king. King Charles I had deep sympathy for some of his Catholic subjects even though his kingdom outlawed their faith. Thus, in 1634, the king, on his own authority, gave the Catholic Lord Baltimore, a colony of his own to rule as a private landholding and to provide a place where Catholics might find safe haven far from the tensions in England. As the colony grew slowly, in 1649, Lord Baltimore granted freedom of worship to all Christians, Protestants as well as Catholics. He thought that such a move would stimulate badly needed immigration, which it did. Ironically, in 1691, at a moment of heightened anti-Catholic sentiment in England, later English monarchs, revoked the edict of toleration on which Maryland had been founded, established the Church of England as the official religious body of Maryland, and ended the rights that Catholics had enjoyed there since the colony's founding.

The third colony established as a refuge from the religious tensions in England was Pennsylvania. Quakers were an unpopular minority in England and English North America. Neither Anglicans nor Puritans liked their egalitarian ways nor their refusal to honor any religious authorities, whether they were Anglican priests and bishops or Puritan preachers, preferring as the Quakers did to seek God's "inner light" directly. King Charles I had given Maryland to Lord Baltimore out of sympathy. His son, King Charles II, had no sympathy for Quakers, however, he did want to pay off a large debt he owed the Penn family, and William Penn, who had become an ardent Quaker, was more than happy to take land in North America as a final settlement. Thus, in 1681, Pennsylvania was established as a haven for Quakers, while, like Rhode Island, declaring religious freedom for all and welcoming many. Nevertheless, while tolerant of many views, Pennsylvania adopted an ordinance in 1683 providing that all parents and guardians of children "shall cause such to be instructed in reading and writing, so that they may be able to read the Scriptures and to write by the time they attain to twelve years of age; and that when they be taught some useful trade or skill, that the poor may work to live, and the rich, if they become poor, may not want."

In light of their religious beliefs, both Roger Williams and William Penn were on far better terms with and more committed to fairness in their dealings with the native peoples of their colonies than most other colonists, who could only see Native Americans as barbarian savages whose land rights, if any, were not to be taken seriously.[11]

The tensions between the Puritans and King Charles I boiled over into a civil war in England, and in 1649, a Puritan army led by Oliver Cromwell de-

feated the king's army and executed the monarch. For a decade, Puritans ruled England, but by the late 1650s, many tired of their rule, and in 1660, the son of the executed king was invited to return from exile and rule as King Charles II (ruled 1660–1685). The end of the English civil wars and the restoration of the monarchy in 1660 meant that the Anglican polity was triumphant in the homeland of the British colonies, but it was a more tolerant Anglicanism than had existed before the wars. If Charles II could keep his head and his throne by tolerating Presbyterians, Congregationalists, Baptists, and other assorted Protestants, he certainly meant to do so.

The newly restored king lost little time in ordering his Congregationalist colony in Massachusetts Bay to end its persecution of Quakers and in giving the Baptists of Rhode Island full freedom despite objections from their northern neighbors. Well before 1700, then, the intolerance with which most of the colonies had begun was eroding. Clergy were still paid out of tax money in most colonies. Not all sects were embraced; not all were equal in the eyes of the law or their neighbors, but legalized punishments for religious beliefs were at an end, even if limitations on voting or holding office remained. Religious toleration, sometimes grudging and sometimes more open, was the rule of eighteenth-century Britain on both sides of the Atlantic. Still, it was a long way from tolerance of dissenters to equality of all religions in the eyes of the law. Although tolerance continued to expand gradually in Britain in the nineteenth century, with the last disabilities for Catholics ended in midcentury, England today still has a state church, and the monarch still receives the crown—the ultimate symbol of authority—at the hands of an Episcopal bishop.

The Beginnings of a More Generous Religious Freedom in a New Nation

Although Roger Williams had argued for complete religious freedom and, indeed, used the words "a wall of separation between church and state" in the mid-1600s, few outside of the Rhode Island colony that he founded paid much attention. Well before the coming of the American Revolution in 1776—indeed one of the causes of the Revolution—was a growing philosophical movement known as the Enlightenment. As it developed in France, England, and North America, Enlightenment philosophy looked more to what humans could do on their own and less to divine intervention in political or personal affairs. In response to Enlightenment thinking, some revolutionary leaders began to develop their own ideas about the proper relationship of religion and government.

In June 1779 as the Virginia legislature was wrestling with how to support the American drive for independence, Thomas Jefferson one of the leaders most

influenced by Enlightenment thinking, argued that if the legislature was serious about its support of independence and freedom, then it needed to apply the ideology of freedom to its own religious institutions. He wrote:

> Well aware that the opinions and belief of men depend not on their own will, but follow involuntarily the evidence proposed to their minds; that Almighty God hath created the mind free, and manifested his supreme will that free it shall remain by making it altogether insusceptible of restraining; that all attempts to influence it by temporal punishments, or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion, who being lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do, but to extend it by its influence on reason alone.[12]

Jefferson's argument for separating religion from government includes some significant theological assumptions with which many in Jefferson's day or today might disagree. Individual reason alone has hardly been the major carrier of faith for many. But the legislature was not concerned with the arguments. It was, however, busy with other pressing matters and took no action on Jefferson's proposal.

After the Americans had won independence in 1784, Patrick Henry, one of the most respected political leaders in Virginia, proposed reinstating government payments to the clergy that had been suspended because of the war in 1776. Henry argued the generally accepted line that "the general diffusion of Christian knowledge hath a natural tendency to correct the morals of men . . ." In response, Jefferson's ally James Madison produced a petition, the "Memorial and Remonstrance against Religious Assessment," which said that religious freedom was "an unalienable right" and that liberty would "be best supported by protecting every Citizen in the enjoyment of his Religion" by keeping the government completely out of the equation. Madison's petition was but one of many against Henry's proposed legislation, but the many signatures on it allowed Madison to reintroduce a version of Jefferson's 1779 bill, which passed easily. After years of debate, the bill for establishing religious freedom passed the Virginia Assembly in 1786, ending the colony's 180-year Anglican religious establishment and placing all religious bodies of the state on an equal footing—free of state influence and wholly dependent on the resources they could raise from the voluntary contributions of their members and friends rather than from state government tax dollars. The legislation did not go as far as Madison's petition asked when he said that religious freedom was an individual right not to be tampered with by any government, but it was an extraordinary step in separating the worlds of sacred and secular authority. The full implications of the change would continue to be explored long after Jefferson and Madison

had passed from the scene. The fight would be a major influence on young James Madison who would soon play a pivotal role in writing both the federal Constitution and the Bill of Rights.[13]

When the representatives from most of the newly independent states met in the Constitutional Convention of 1787, the majority of them wanted to create a relatively strong national government but also leave as many issues as possible to the individual states. Thus, there was relatively little objection in 1789 when the framers of the Constitution included Article VI, stipulating that "no religious test shall ever be required as a qualification to any office or public trust under the United States." States did have such tests and might continue them, but the national government would not.

Once the Constitutional Convention finished its work, the Constitution was sent to the states for their approval or rejection. A major battle erupted. In spite of the prestige of some of the Constitution's supporters, including George Washington, other heroes of the Revolutionary War, from Patrick Henry in Virginia to Sam Adams in Massachusetts, had grave reservations about the Constitution, fearing that it created a federal government that was far too powerful and would undermine the rights of the individual state governments. Ratification of the Constitution was a close call and only came about because a number of states, led by Massachusetts, approved the document with a demand for immediate amendments to protect the rights of state governments.[14]

When the Constitution was adopted and the first Congress under it assembled in the spring of 1789, James Madison from Virginia was one of the most respected members of the new House of Representatives. The House had a lot of pressing business. There were no rules for governing its procedures, so it had to create them. The government was not collecting any taxes, and without tax legislation, the government had no money to operate. Nevertheless, in May, Madison proposed stopping other business to discuss amendments to the Constitution. As one of its prime authors, Madison had initially opposed amendments, but he was determined to honor the wishes of those who had voted to adopt the Constitution only based on the call for amendments—and to head off calls for another Constitutional Convention to revise the whole document.

One of the key issues many states wanted to protect was their control of religion and religious educational institutions. Thus, New Hampshire, which still paid the Congregational clergy out of state tax money, had proposed an amendment that "the Congress shall make no laws touching religion or the rights of conscience." New Hampshire wanted to be sure that the national government could not interfere with the way it, as a state, handled religion. A select committee of the House proposed that "no religion shall be established by law, nor shall the equal rights of conscience be infringed." Virtually no one in the Congress suggested that the national government should have any role in religion. Most

agreed it was one of the many rights that were left to the states. Some, like Madison, would have liked to go much further and, as he had done in Virginia, make religion an individual right that no government—federal, state, or local—could touch. He preferred to treat religion as a subject for "the full and equal rights of conscience" for each individual, but he knew that was further than the Congress or the nation was prepared to go in 1789.

After negotiations with the Senate, Madison agreed to the compromise amendment that read, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The six states that still paid clergy and others that barred non-Christians or sometimes non-Protestants from voting or holding office could do as they pleased. Responding to a complaint from Thomas Jefferson, then serving as Washington's secretary of state, who wished for a better guarantee of every individual's religious rights, Madison acknowledged that the amendment was less than fully clear and not nearly all he wanted, but it was the best he could get. In 1791, when the First Amendment was added to the US Constitution, only the federal government was limited in relation to religious matters, and just what the amendment limited and permitted was far from clear. It would be a long time before the full and equal rights of conscience that Madison sought became part of the individual rights of American citizens. Just what those rights do and don't mean is a subject of intense debate in the twenty-first century.[15]

As a result of the adoption of the Constitution and the Bill of Rights, individual states could maintain their state church, as Massachusetts did until 1833. Only with the Fourteenth Amendment in 1868 were the protections of the Bill of Rights applied to the states, and not until *Everson v. Board of Education* in 1947 did the US Supreme Court specifically apply the establishment clause to state legislatures. (In 2014, two Supreme Court justices, Clarence Thomas and Antonin Scalia, challenged even that interpretation.) Only since 1947 has the debate about the meaning of the First Amendment been fought at the level of the US Supreme Court, but that is getting far ahead of our story.

Although Madison and Jefferson were both disappointed in the actual wording of the Bill of Rights, the ideas that they espoused in Virginia in the 1780s became part of the American public mythology, if not the nation's laws. Thus, in 1790, before the passage of the First Amendment, newly inaugurated President George Washington wrote to the leaders of the Jewish Synagogue in Newport, Rhode Island: "The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. . . . For happily the government of the United States, which gives to bigotry no sanction, to persecution no assistance,

requires only that they who lived under its protection should demean themselves as good citizens." Washington was making it clear that on religious matters he preferred Virginia's approach and that perhaps among those who ought to consider imitation of the policy were his fellow citizens in Massachusetts and Connecticut.[16] When he became president, Jefferson continued to voice similar views. In 1802, after one year in the White House, he wrote to the Danbury Baptist Association of Connecticut: "Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church and State."[17]

Few lines of presidential correspondence have entered the nation's language as firmly as Jefferson's description of the First Amendment to the Constitution as "a wall of separation between Church and State." Debates about this letter, which have become numerous, miss the point. A private letter from one president is not a law. But Jefferson was stating what he viewed as a national consensus even if many then and much later would disagree with him. Of course, Jefferson had other reasons for writing in support of Connecticut Baptists. Baptists and other dissenters who were not part of the religious establishments that remained in some states—including Connecticut—tended to be strongly Jeffersonian in politics. They did not like paying taxes to support a different denomination. In the case of the Danbury, Connecticut, Baptists, this meant tax support for the Congregational clergy. And the Congregational clergy had been among the staunchest supporters of the Federalist Party and had denounced Jefferson as an "infidel" and "atheist." So one historian has described Jefferson's letter as a "desire to heave a brick at the Congregationalist-Federalist hierarchy of Connecticut."[18]

During his last year in office, Jefferson again noted the clear line he drew between the civil government and the various religious groups of the nation. Differing from his predecessors—and successors—he declined to call for a national day of fasting and prayer. For him that was a matter for religious groups: "I consider the government of the US as interdicted by the Constitution from intermeddling with religious institutions, their doctrines, discipline, or exercises. . . . Every religious society has a right to determine for itself the times for these exercises, & the objects proper for them, according to their own particular tenants; and this right can never be safer than in their own hands, where the constitution has deposited it."[19] For the nation's third president, the line was clear indeed.

In the decades that followed, those states that supported specific churches with tax money or required religious profession to vote or hold office slowly abandoned the policies, and the Congress insisted that new states joining the union do the same. A pitched battle over maintaining state support for Congregational clergy took place in Connecticut in 1816 and 1817. While Connecticut leaders like Yale President Timothy Dwight and Dwight's former student Lyman Beecher defended state support for the churches, a coalition of Baptists, followers of other religions, and freethinkers launched the Toleration Party and, in April 1817, defeated the old establishment. Looking back, Beecher wrote of the defeat, "For several days I suffered what no tongue can tell for the best thing that ever happened to the State of Connecticut." In the end, Beecher concluded, separation of church and state helped the churches as much as the state.

In the 1820s and 1830s, most other legal support for the churches fell away. Maryland ended support for the Episcopal Church in 1810 though it still prohibited Jews and atheists from office. New Hampshire ended financial support for the Congregational church in 1819 though it did not allow non-Protestants to hold state office until 1877. Finally, in 1833, Massachusetts ended governmental financial support for the churches, the last state to do so.[20]

Lyman Beecher has not been alone in thinking that the separation of church and state has served both churches and the rest of the nation well. Separation of church and state has been adopted by many other nations around the world and has moved in 200 years from a radical experiment to one of humanity's most basic rights. Partly because of its origins in compromise and because it came about in a unique historic moment, many of the deepest implications of America's experiment have never been fully explored. Although few today argue for direct tax-funded support for churches or clergy, just what constitutes "an establishment of religion" and what might prohibit "the free exercise" of religion remains a subject of great and continuing tension. What all of this means for education—for control of the curriculum and for support of religiously oriented schools—remains a major battleground.

Looking at the nation's long-standing separation of direct governmental control of religious bodies and religious control of government institutions, religious historian Sidney Mead argued: "Perhaps the most striking power that the churches surrendered under religious freedom was control over public education which traditionally had been considered an essential aspect of the work of an established church if it was to perform its proper function of disseminating and inculcating the necessary foundational religious beliefs."[21] But if religious institutions could not control public education, what would happen in the new nation? Were elements of a common faith similar enough that the state could conduct schools to teach them without offending the differing religious bodies? Was there a common secular or democratic faith on which all could

agree? And who would define it? These questions have never been fully answered. Indeed, they have been a source of struggle in almost every succeeding generation. At no time were the debates more intense than in the early years of the republic when Horace Mann and his many allies and opponents created the public schools as we know them.

Creating an American Common School and a Common Faith

Horace Mann and the Protestant Public Schools, 1789–1860

During and after the American Revolution, as James Madison, Thomas Jefferson, and others were ending state support for the churches of Virginia and seeking to keep the new national government out of religious matters, other equally prominent citizens were seeking a different outcome. When future president John Adams drafted a new constitution in his home state of Massachusetts, he included a provision requiring cities and towns to provide for "the public worship of God and the support and maintenance of public Protestant teachers of piety, religion, and morality" in the schools. Linking the mandated support for "public worship" and for "teachers of piety" was not an accident. Adams, like many of the Revolutionary generation, believed that government support for religion as well as education was essential to public morality and civic unity. In the same document, Adams further elaborated the need for schools to inculcate all citizens in "Public and private charity," "industry and frugality," "honesty and punctuality." For Adams the Revolution did not mean the fall of the Congregational Standing Order in his home state. And independence certainly did not mean that Massachusetts would cease to be a Christian commonwealth in terms of its support for Congregational churches or for public schools that taught Protestant Christianity.

Adams was hardly alone in his views. In 1787, the last federal Congress, working under the old Articles of Confederation, adopted the Northwest Ordinance

for governing the territory that would eventually become the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin. The ordinance stated "religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." For most in the revolutionary generation, these virtues, "religion, morality, and knowledge" were inextricably linked to good government and schools were the key to that link.

The adoption of the First Amendment to the US Constitution four years later hardly ended the debates about the proper relationship of religion and the public schools of the new nation. Although the amendment limited the federal government, states were free to do as they pleased in matters of education and religion.[1] The First Amendment was clear: "*Congress* shall make no law," leaving the individual states free to make any laws they wanted on the issue. While Madison and Jefferson had been successful in securing a state-level separation of church and state in Virginia in 1786, other states continued to support churches well into the nineteenth century as we have seen. And as we will see, even after many states ended direct tax support for their churches, they continued to operate their public schools as essentially Protestant enterprises.

Ironically, New England was not only the last bastion of a state religious establishment in the United States but also the place where expanded and more tightly organized school systems developed. In Virginia, Jefferson and Madison were successful in getting the legislature to end support for the churches. Jefferson was also successful in gaining at least modest support for his University at Charlottesville. But the wide dispersion of Virginia's population on rural plantations and most of all the divisive issue of slavery meant that in spite of many proposals from Jefferson, no meaningful support for public schooling would take place in Virginia or in most of the South until after the Civil War. The North was different both in New England and in the burgeoning Midwest where New England natives often dominated the debate.[2]

Horace Mann and the New Common Faith

Horace Mann's name remains inextricably linked with public schools throughout the United States. This is appropriate. In his twelve years as secretary of the Massachusetts state Board of Education (1836–1848), Mann did more to define the role and purpose of public schools (or common schools, as he called them) in the new nation than any other American. Mann understood that new tensions that had been created for educational institutions by the cuts of formal ties between governments and the churches that took place at the federal level in 1791 and even in Massachusetts by act of the legislature in 1833.

In his valedictory report in 1848, Mann described the tensions that the new school system faced. He recognized, first, that the United States was embarked

on a new experiment; that most nations with which he and his fellow citizens were familiar had agreed on a system of government in which "the regulation and control of the religious belief of the people [are seen] to be one of the functions of government, like the command of the army or the navy, or the establishment of courts, or the collection of revenues"; and that this system "with very few exceptions, has prevailed throughout Christendom, for fifteen hundred years." But by the 1830s, the United States had chosen a different route. "Our own government is the almost solitary example among the nations of the earth, where freedom of opinion and the inviolability of conscience, have been theoretically recognized by law." Mann ignored the French Revolution in those comments, but he was nonetheless correct regarding most of the history of the western world for the last millennium and a half. In this arena, the United States truly was a *novus ordo seclorum.* The meaning of this new order for the schools was yet to be clarified when Mann began his work in 1836, three years after Massachusetts became the last state in the union to end its own religious establishment. Mann's role was to give definition to the new order.[3]

Mann believed he knew exactly how this should be done. He wanted the churches, as institutions, kept out of education. But he felt that common schools should provide "religious education" of a general and tolerant nature while leaving it to the different individual churches to fill in the specifics of their particular views for their own young people. The goal of the religious education that Mann wanted the public schools to provide was the development of a democratic "free agent." The school's role was to lead individual boys and girls to an informed choice regarding which form of religion, if any, might be appropriate later in life. So Mann argued:

> The elements of a political education are not best owned upon any school child for the purpose of making him vote with this or that political party, when he becomes of age; but for the purpose of enabling him to choose for himself, with which party he will vote. So the religious education which a child receives at school, is not imparted to him for the purpose of making him join this or that denomination, when he arrives at years of discretion, but for the purpose of enabling him to judge for himself, according to the dictates of his own reason and conscience, what his religious obligations are, and whither they lead.[4]

A more democratic approach, Mann believed, was impossible to imagine.

During his twelve-year tenure as the first secretary of the new Massachusetts Board of Education, Mann was also a very active evangelist for his vision of schooling and of the proper relationship of religion to the schools. Mann's office had virtually no real authority. The board and its full-time secretary could collect information and write reports about the schools, but it had no policy-making

role. Authority continued to reside with the individual city and town school committees or in some cases with the state legislature. But Mann made brilliant use of his reporting authority. In his annual reports, which were publicized throughout the United States and Europe, and in visits and speeches around the state and the world, he used his bully pulpit to instruct and to convert.

In spite of the risks and uncertainty associated with the new venture of religious freedom in education, Mann knew just what he wanted. If the schools of Massachusetts assured that every student heard the Bible read, "without note or comment," if all interpretation was left to "the pulpits, the Sunday schools, the bible classes, the catechisms, of all the denominations, to be employed according to the preferences of individual parents," then Mann believed a solution to the problem of appropriate religious instruction was at hand. The details of the different sects would be left to those sects and their members. But the core of religion, the heart of Christianity, would be alive and well in the schools. And who could complain? Mann insisted, "The bible is the acknowledged expositor of Christianity. In strictness, Christianity has no other authoritative expounder." So he wrote: "If the Bible, then, is the exponent of Christianity; if the Bible contains the communications precepts, and doctrines, which make up the religious system, called and known as Christianity; if the Bible makes known those truths, which according to the faith of Christians, are able to make men wise unto salvation; and if this Bible is in the schools, how can it be said that Christianity is excluded from the schools; or how can it be said that the school system, which adopts and uses the bible, is an anti-Christian, or an un-Christian system?"[5] From Mann's perspective, everyone should be pleased.

Of course, happy as Mann was with the solution, not everyone else agreed. Mann tended to ignore criticism or dismiss his critics quickly. Mann thought that those who objected to his plea for reading the Bible (the Protestant King James version) in schools and leaving the details to families and churches did not appreciate, "our noble system of Free Schools for the whole people," and instead favored, "that rival system of 'Parochial' or 'Sectarian Schools,' " which some were proposing as an alternative to Mann's vision of a single system of schools common to all. For Catholics who believed it was important to read the Bible in light of the teachings of the church, for religious skeptics who were less sure they wanted the lessons of the Bible taught to their children, or for those who did not call themselves Christians, Mann's solution was deeply offensive. To his critics, Mann's easy solution to the vexing problem of what religion, if any, to teach in the schools was embedded in his failure to understand the degree to which he was really proposing to make the public schools of Massachusetts a kind of Protestant parochial school system that would mirror his own deeply held beliefs.

Horace Mann himself was a Unitarian, perhaps the most liberal denomination of Protestants. Unitarians, who distrusted creeds and most formal theological statements, had emerged as a party within the established Congregational churches in Massachusetts in the late 1700s and became a separate denomination in the early 1800s. Mann's own conversion to Unitarianism was hard won. He had grown up in the small town of Franklin, Massachusetts, under the strict Orthodox Calvinism of his minister, Nathaniel Emmons. Emmons, whose influence was spread far in New England because of the large number of clergy who had "read divinity" with him in the years before the first theological seminaries were established, was a proponent of the strictest forms of Calvinism, including strict predestinationism and a heavy emphasis on original sin. For the young Horace Mann, growing up attending a church in which these creeds were the regular fare, there were important times of soul-searching. But the soul-searching did not result in the conversion for which Emmons longed. As Mann recalled years later, "I remember the day, the hour, the place and the circumstances, as well as though the event had happened but yesterday, when in an agony of despair, I broke the spell that bound me." Mann's words have the ring of conversion, but it was a conversion that rejected Emmons's faith. In its place, Mann said, "I began to construct the theory of Christian ethics and doctrine respecting virtue and vice . . . I still retain."[6] Mann left the Calvinism of Emmons far behind to become a lifelong religious liberal.

Mann left Franklin for Brown University, followed by study at Tapping Reeve's law school in Litchfield, Connecticut. He then began his law practice in Dedham, Massachusetts. From Dedham, the young lawyer followed a familiar career path, when, in 1827, he was elected to represent the town in the Massachusetts legislature. His political career was successful. As president of the state senate in 1836, Mann supported the bill to create a state board of education. Many thought Mann would be the next governor of Massachusetts, but he surprised his supporters when he resigned from the senate to become the first secretary—and sole staff person—to the board he had helped create.

By the time Mann took on his new role as secretary to the state board of education in 1836, Massachusetts had become religiously diverse in a way that its Puritan founders could never have imagined. The old Puritan churches, known as Congregationalist, were in the midst of a split between the liberal Unitarians and the more conservative Trinitarians, who were often known as orthodox Congregationalists, or simply Congregationalists. While most churches in Greater Boston were taken over by Unitarian majorities, leaving the more orthodox to form new assemblies, the opposite occurred in the more rural parts of the state.

However, by the 1830s, Massachusetts was much more diverse than a focus on the internal battles of the old religious establishment would imply. In addition to heirs of the Puritans who were squabbling among themselves, there were

many others. The Episcopal Church, which had once been confined to the Middle and Southern colonies, was growing rapidly. Many people were joining the Methodist and Baptist churches, which at one time had been tiny, but had begun to reflect the energy and emotion transforming nineteenth-century Protestantism. Roman Catholics, traditionally a tiny minority in this Puritan stronghold, were just getting the first infusion of Irish immigrants that would make Catholics the majority in Boston, if not in the state, by the Civil War. Plenty of Massachusetts residents wanted none of these traditions. Free-thinking and even antireligious sentiment was alive and well in many parts of the state.

Not everyone in Massachusetts liked Mann's solution of reading the Bible without note or comment in the public schools. While Mann preferred to blame all opposition on the most rigidly orthodox Congregationalists, his opponents were much more diverse including Catholics, freethinkers, and non-Christians as well as Christians who simply disagreed with him on the proper role of public schools in a democratic society. One study of Mann's opponents concludes that "representatives from towns whose schools used bibles or whose school committees included members of the clergy were less hostile to the board of education than legislators from communities whose schools did not use bibles or did not have ministers on their school boards."[7] Not everyone, it seems, agreed that reading the Bible in the schools, even without note or comment, was a good idea.

In 1840, three years into Mann's tenure, the Committee on Education of the Massachusetts House of Representatives recommended abolishing the state board and the office of secretary. The committee was careful to avoid being seen as antieducation (a charge Mann repeatedly made). The report insisted: "But, since our system of public schools did not owe its origin to the Board of Education, but was in existence for two centuries before that Board was established, a proposal to dispense with its further services cannot be reasonably considered as indicating any feelings of hostility or of indifference towards our system of Common Schools."[8] But there were other reasons for abolishing the board. The Democratic majority in the 1840 legislature (Mann was a Whig) distrusted most efforts to centralize what were traditionally local issues. They warned, "In France or Prussia [two models which Mann cited often], the smallest bridge cannot be built, or any village road repaired, until a central Board has been consulted."[9] Who wanted that sort of bureaucracy in Massachusetts' education?

Bureaucracy and cost were not the only problems, however. Mann's opponents were worried about what he saw as his central mission: creating moral citizens. So they warned:

> Your Committee [has] already stated, that the French and Prussian system of public schools appears to have been devised, more for the purpose of modifying

> sentiments and opinions of the rising generation, according to a certain government standard, than as a mere means of diffusing elementary knowledge. Undoubtedly, Common Schools may be used as a potent means of engrafting into the minds of children, political, religious, and moral opinions;—but, in a country like this, where such diversity of sentiments exists, especially upon theological subjects, and where morality is considered a part of religion, and is, to some extent, modified by sectarian views, the difficulty and danger of attempting to introduce these subjects into our schools, according to one fixed and settled plan, to be devised by a central Board, must be obvious. The right to mold the political, moral, and religious, opinions of children is a right exclusively and jealously reserved by our laws to every parent; and for the government to attempt, directly or indirectly, as to these matters, to stand in the parent's place, is an undertaking of very questionable policy.[10]

Mann's grand design clearly offended these Democrats and many of the citizens who had elected them.

Mann's critics were especially bothered by his effort to have the state board create a library in every school in the state. The critics did not object to the support for books but objected to the centralized board's selection of the books. These legislatures feared that a board dominated by one group of citizens could not avoid using book selection to impose their creed on others.

> It is professed, indeed, that the matter selected for this library will be free both from sectarian and political objections. Unquestionably, the Board will endeavor to render it so. Since, however, religion and politics, in this free country, are so intimately connected with every other subject, the accomplishment of that object is utterly impossible, nor would it be desirable, if possible. That must, indeed, be an uninteresting course of reading, which would leave untouched either of these subjects; and he must be a heartless writer, who can treat religious or political subjects, without affording any indication of his political or religious opinions. Books, which confine themselves to the mere statement of undisputed propositions, whether in politics, religion, or morals, must be meager, indeed.[11]

Mann's sunny resolution of the issue simply did not work for them.

The committee's recommendations to abolish Mann's job failed in the legislature's final vote. Mann served for another nine years until his election to Congress as an abolitionist to fill the seat left by John Quincy Adams's death. The Massachusetts Board of Education continues to the present. The debates of the 1830s and 1840s are with us still.

Mann understood better than most of his contemporaries that in a nation without an established church something had to continue the process of shap-

ing and carrying the common culture and morality to unify the people. But if the school was to teach the elements of a common faith, who would decide what those elements would be? The legislature's fight with Mann in the 1840s was a struggle between those who wanted a state agency to make the determination and those who argued that it should be left to localities, individual school committees, and parents. There is little in the history of this nation to indicate that local institutions are more protective of individual rights than state or federal institutions. Schools will not work if every individual parent selects the curriculum for her or his child. And all higher levels of authority have the potential to be oppressive. There is, indeed, no easy solution.

Growing Up Together: Common Schools and Midwestern Culture

The struggle over the relationship of religion and schools was a major issue during Mann's tenure in Massachusetts. It was also a tense issue in all of the original states of the union. As Mann was trying to find a comfortable compromise regarding the place of religion in the schools of Massachusetts, farther west, in the Mississippi River Valley—today's Midwest—the common school took hold most firmly as an instrument of education and as a means of creating a (Protestant) civic religion for the nation.

In 1832, four years before the creation of the Massachusetts Board of Education and Mann's election as its first secretary, another Massachusetts resident, fifty-seven-year-old Lyman Beecher, resigned as pastor of Boston's Hanover Street Trinitarian Congregational Church and moved to Cincinnati, Ohio, to be president of the newly created Lane Theological Seminary. By this time, Beecher had left his onetime advocacy of government support of churches far behind. When he moved to the Midwest, Beecher was convinced that the churches could be most successful operating independently of any government support, though he certainly thought churches and preachers should use their independence to influence government policy as often as they wanted. For Beecher, the establishment of strong public schools in the Midwest was an essential element in his larger campaign to Christianize the nation in his version of ecumenical and evangelical Protestantism.[12] Beecher's experience in southern Ohio was duplicated by others in Indiana, Illinois, Wisconsin, and Michigan. There was no centralized plan but a number of people with shared values who shaped the political, educational, and religious values of the Midwest in the pre–Civil War era.

Beecher took his daughters, Catharine and Harriet (who later gained fame as the author of *Uncle Tom's Cabin*), and his son-in-law, Calvin Stowe, with him. The Beecher family, along with some well-chosen allies, became the nucleus of the campaign to build public schools in Ohio—public schools that were to be kept legally separate from the churches but with a curriculum that

reflected basic Protestant values.[13] Others with similar goals labored in Michigan, Wisconsin, Illinois, and Indiana to create systems of public schools that ensured that the nation's youth would be well versed in reading, writing, arithmetic, and an evangelical Protestant version of civic religion.[14]

In his 1983 book *Pillars of the Republic*, education historian Carl F. Kaestle described the growing school systems of the pre–Civil War era as based on an ideology of "republicanism, Protestantism, and capitalism," generally, identified with the Whig political party.[15] Earlier in the 1960s, American historians, led by Timothy Smith and David Tyack, rediscovered the role of evangelical Protestantism as a powerful force, along with Whig politics, in founding public schools designed to create a centralized common American culture in a nation of diverse regional cultures changed daily by the arrival of new immigrants.[16] Protestant missionaries provided the major energy behind the creation of the school system in many states. They did so sure in the conviction that schools would help spread their notion of the right form of civil religion for the nation. David Tyack has pointed out that the assumptions on the part of some earlier historians of education that "secularization meant progress" and that "schooling should be secular, public in support and control, and managed by professionals" were more a result of polemical view of a later generation of educators than of historical analysis of the development of schools.[17] As historian Robert Lynn noted, many Americans in the nineteenth century sent their children to public school and believed "in the inherent and inevitable harmony of public education and the Protestant cause."[18]

Timothy Smith has also argued that Protestant support for public schools as they were developing in the 1830s and 1840s was based on "a new religious synthesis" in which advocates such as the Beechers believed that churches could happily cut themselves free of direct government financial support, yet, at the same time, help mold the nation's "common faith" through control of the schooling of the next generation.[19] Tyack argued that "missionaries attempted to provide a Protestant paideia for settlers on the frontier: a total education through the common school, sectarian academies and colleges, Sunday Schools, the pulpit, religious reading, and a number of formal and informal associations."[20]

Ministers and their lay allies in the evangelical movement enthusiastically worked for the development of public schools, especially west of the Alleghenies, because of their confidence in the Protestant nature of the public school movement. They did not intend these schools to be secular in any twentieth-century meaning of that word. Rather, they believed that evangelical Protestants could work together across a limited range of denominational lines to create a national culture in which they would all be comfortable. As Timothy Smith noted, "a majority of Protestants were now willing to entrust the state

with the task of educating children, confident that education would be 'religious' still."[21]

Writing in 1844, Calvin Stowe insisted "that notwithstanding the diversity of sects, there is common ground, on which the sincerely pious of all sects substantially agree."[22] Of course, Stowe's list of the "sincerely pious" did not include Catholics, Jews, more creedal Protestants, such as Lutherans, Quakers, or the considerable numbers of freethinkers and atheists. For Stowe and most of his allies, people who might disagree with them were beyond the national consensus and more in need of conversion than serious consideration.

When public schools were being created in the nineteenth century, most of builders of the institution were confident that, as Tyack said, "schools and churches were allies in the quest to create the Kingdom of God in America."[23] In this effort, "from the Alleghenies to the Pacific . . . evangelical clergymen spread the gospel of the common school in their united battle against Romanism, barbarism, and skepticism."[24] The key to rescuing people from the grasp of these evils, the preachers believed, was moral education and assimilation into the American, Protestant consensus facilitated by the public schools. Lyman Beecher wrote: "Let the Catholics mingle with us as Americans and come with their children under the full action of our common schools and republican institutions, and the various powers of assimilation, and we are prepared cheerfully to abide the consequences."[25] Beecher also had a good sense of what the consequences would be. A commitment to a diversity in which each learned from each and each respected the other was not at the heart of his agenda. For him, and for many who followed him, Americanism and Protestantism were inseparable.

Calvin Stowe divided his time between teaching at Beecher's Lane Seminary and helping to create the Ohio public school system. He feared those who disagreed with his goals. "It is not merely from the ignorant and vicious foreigner that danger is to be apprehended," Stowe wrote. "To sustain an extended republic like our own, there must be a national feeling, a national assimilation; and nothing could be more fatal to our prospects of future national prosperity than to have our population become congeries of clans, congregating without coalescing, and condemned to contiguity without sympathy."[26] Long before modern critics of multiculturalism there were those who feared diversity.

The evangelicals and their allies in the school-founding business were never concerned merely with individual morality and rectitude. As Tyack said, "Whether building a church or a school, the clergy led those who chose community rather than individualism."[27] Their ultimate concern was not merely law and order but a community of people united by common beliefs and behaviors, a common memory and a common hope in the new nation. Morality was

a first step, but assimilation was the goal. Timothy Smith has noted that their goal was "the emergence of a national identity that was not simply religious, but distinctively Protestant. Its vision of the future was not the heavenly city of the eighteenth-century enlightenment, but the New Jerusalem of the Christian millennium."[28] Jefferson and Madison might be influenced by their Enlightenment philosophy when they advocated the separation of church and state, but those who actually built most of the nation's school systems were far more focused on a vision of the Christian millennium. No wonder this nation has had such difficulty resolving the proper relationship between schools and matters of faith. Different people, with radically different goals, were involved in building the institutions from the beginning.

Many Americans, east and west, shared Stowe's fear of increased immigration. He often spoke of this concern: "It is altogether essential to our national strength and peace, if not even to our national existence, that the foreigners who settle on our soil, should cease to be Europeans and become Americans."[29] Few asked whether the immigrants wanted this sort of assimilation. In Stowe's view, it was not for Germans, whether Protestant or Roman Catholic, or for Catholics from any country to consider holding onto the traditions or the faith that had supported them in the past. School leaders were sure that such traditions would lead only to the nation's becoming "an unconsolidated mass."[30] The goal was to make newcomers into Americans in the image of Beecher, Stowe, and their allies, and the common schools would do the job.[31]

In addition to assimilation of immigrants, Stowe focused on the place of religion in the education of all children. In a pamphlet titled *The Religious Element in Education*, Stowe expanded on the idea that religious instruction "without violating any of the rights of conscience" was possible in the schools so long as they contained the common elements of all Christian faiths and excluded only that which was unique to each (Protestant) denomination. Sounding similar to Mann, Stowe insisted that moral education in schools was to be religious but undenominational. As for those who objected to even this much religion in schools, Stowe dismissed them: "A man who has no conscience, certainly has no right of conscience to be violated."[32]

The text for religious instruction in schools, which Stowe thought all people of good will could agree on, was the Bible. Stowe meant the King James Version, which nearly all nineteenth-century Protestant churches considered the authoritative text. They never considered the Catholic Douay Bible, which varied only slightly in translation but which also included notes on Catholic interpretation and therefore violated Mann's idea of reading the Bible without comment. In words that anticipated Horace Mann by several years, Stowe wrote, "The Bible, the whole Bible, and nothing but the Bible, without note or comment, must be

taken as the text-book of religious instruction. Instruction in those points which divide the sects from each other must be confined to the family and the Sunday school."[33] Here was a common faith meant to rally middle-class Protestant America even as it excluded those who did not share that faith.

As part of his campaign to build a New England–style public school system for Ohio and the Midwest, Stowe traveled to Prussia in 1836. Like Mann, Stowe saw Protestant Prussia with its centralized public school system that taught patriotism and morality as much as reading and arithmetic as the model for the United States. Stowe's *Report on Elementary Public Instruction in Europe* was based on his travels and was meant to shape the discussion of education in Ohio.[34] On his return, Stowe made his report to the Ohio legislature in January 1837. He reported: "Every teacher whom I consulted, repelled with indignation the idea that moral instruction is not proper for schools; and spurned with contempt the allegation, that the Bible cannot be introduced into common schools without encouraging a sectarian bias in the matter of teaching; an indignation and contempt which I believe will be fully participated in by every high minded teacher in Christendom."[35] Stowe also saw other advantages in Prussian educational theory. Like Mann, who also traveled there and had based his ideal educational system for Massachusetts on Prussian schools, Stowe saw his German counterparts as role models in the effort to use the schools as the primary incubator of a common national identity and Christian culture.

Catharine Beecher was an equal participant with her father and brother-in-law in school reform. Catharine Beecher's most significant contribution to the common school movement was her leadership in encouraging the belief that elementary teachers should be women and that teaching was a uniquely acceptable profession for women.[36] In 1835, she wrote "An Essay on the Education of Female Teachers" in which she asked: "What is the most important and peculiar duty of the female sex? It is the physical, intellectual, and moral education of children. It is the care of the health, and the formation of the character, of the future citizen of this great nation."[37] Combining the traditional belief in women's mothering and domestic role with recognition of the need for people to staff the new schools, Catharine Beecher was creating a new image for women and for the teaching profession. Young women, many recruited from New England, would open schools and at the same time exert moral leadership in building a Christian, Protestant civilization. For Catharine Beecher, opening teaching to women also provided an important new level of freedom for many women like herself whose lives were highly constrained by the social mores of the early nineteenth century. At the same time, by offering the services of her sisters at lower salaries than those paid to male teachers, she made the expansion of schooling popular because it was cheap. In her own generation, the

teaching profession in the United States shifted from predominantly male to overwhelmingly female.[38]

A letter from one young woman illustrates the task undertaken by these teacher-missionaries. "For nearly a year I was the only professor of Christianity in town. The weight of responsibility resting upon me has at times pressed sorely. . . . I sometimes felt all the anxieties of minister, sabbath-school teacher, superintendent, and teacher of day school combined."[39] In time, others would follow. In many frontier communities, the first professional was the teacher sent out by Beecher or one of those working in tandem with her. As this teacher noted, professional responsibilities included teaching school and serving as a role model for a "professor of Christianity in town."

Samuel Lewis was a Methodist minister and school reformer who worked closely with the Beechers. When the Ohio legislature created the Office of State Superintendent of Common Schools in 1837, only a year after Mann's position was created in Massachusetts, Lewis was the obvious choice, just as Mann had been for Massachusetts.[40] Lewis served for only three years until ill health forced him to retire. In the three annual reports he wrote, Lewis's words reflected the feelings of an era when faith in the common school was being formed.

Lewis based his work on the presupposition that the school was first of all a moral influence. In a statement that could have come from any one of a number of his contemporary school builders, he wrote: "It can not be too deeply impressed on all minds, that we are a Christian, as well as a republican people; and the utmost care should be taken to inculcate sound principles of Christian morality. No creed or catechism of any sect should be introduced into our schools; there is a broad, common ground, where all Christians and lovers of virtue meet."[41] Like Mann or Beecher or Stowe, Lewis never seemed to realize the degree to which the school was being used to re-create a Protestant religious establishment that would be oppressive to non-Protestants.

Ohio's Methodist school superintendent also defined the common school in ways remarkably similar to the Massachusetts superintendent. In his third report, Lewis wrote: "Unless the Common Schools can be made to educate the whole people, the poor as well as the rich, they are not worthy the support of the patriot or the philanthropist."[42] The common schools were not merely for the common people, they were to be common to all of the people, rich as well as poor, for only in that way could a united nation be created out of the diverse people in the land. The support of the rich had to be cultivated so that they too would use the common schools. The school was to bring everyone into a common culture, one that was defined by an elite of people like Lewis.

Ohio was not unique in the rapid development of a statewide system of common schools in the 1830s and 1840s. Samuel Lewis and Calvin Stowe in Ohio had their counterparts in John Pierce in Michigan and Caleb Millis in Indiana.

In the iconography of American schooling, these westerners took their places only a slight notch below the better-known Horace Mann from Massachusetts. The fact that the westerners were evangelical ministers, unlike Mann, was often overlooked. But for all of their differences about theological details, the Midwestern preachers and their political counterparts on the East Coast were engaged in a very similar effort. They sought to build a generally Protestant Christian America that could function without an established church because its educational institutions were so effective in building and transmitting a common culture that only the minor details had to be left to the different denominational efforts.[43]

The common school movement was spectacularly successful in the Midwest. In 1832, Cincinnati had 2,252 students in attendance in the common schools. By 1875, the number had risen to 27,822.[44] As the population of the region grew exponentially in the decades before the Civil War, the children of newcomers—whether their families came from the East Coast of the United States or from Europe—found themselves in public schools designed to make them "good Americans," as the term had come to be defined.

McGuffey's Readers: Textbook for the Common Creed

Perhaps the most consistent element in the nineteenth-century common school classroom were the omnipresent McGuffey's Readers. Timothy Smith described the readers in the context of the widespread Protestant confidence in public schools, "Only against this background can one understand the immense popularity of such moralistic schoolbooks as William H. McGuffey's readers. The author knew his buyers well. What men who had established schools and who must approve the textbooks required, and what McGuffey produced, were handbooks of the common morality, testaments to the Protestant virtues."[45]

Tradition has it that when the Cincinnati publisher Winthrop B. Smith was looking for an author for a new series of elementary school texts, he first asked Catharine Beecher.[46] Because she was then heavily involved in her campaign for women's education, she declined, recommending instead William Holmes McGuffey.

If the story is true, it shows perception on Catharine Beecher's part. Representing the small Cincinnati publishing house of Truman & Smith, Winthrop Smith offered McGuffey $1,000 for a primer, a speller, and four readers. The first readers were published in 1836. McGuffey received his $1,000 and some modest additional royalties. Winthrop Smith became a millionaire.[47]

The Readers were an immediate success. Just as the common school movement was exploding throughout the trans-Allegheny West, and the population was increasing to support the movement, a Cincinnati publisher brought out a textbook ideally fitted to the needs of these schools. Through several revisions

and a series of publishers, they sold an estimated 122 million copies between 1836 and 1920.[48] As the historian Henry Steele Commager has pointed out, "part of the greatness of the McGuffey Readers was that they were *there* at the right time—they were *there* to be read by millions of children from all parts of the country."[49]

McGuffey's Readers reflected American white middle-class Protestant morality as it was circa 1836. They also became one of the major shapers of American morality. McGuffey began with the stories of "The Grateful Indian" or "The Good-Natured Boy," who "took care of his faithful dog as long as he lived, and never forgot that we must do good to others, if we wish them to do the same to us."[50] The virtues of the Readers—hard work, honesty, generosity, attending school, and avoiding drink or foul language—fit the virtues that school leaders wanted to foster.

Yet McGuffey's morality was not merely one of individualistic goodness. Robert W. Lynn stated: "Individual rectitude, sound literary taste, the capacity for hard work and success—these goals (so often attributed to McGuffey by latter day observers) constituted an intermediate way station on the road to the *summum bonum* of education. To educate the 'mind and heart of the nation' meant, above all, to form a public, one people out of many."[51] And McGuffey provided the text to accomplish this task.

The early Readers reflect a passion for a uniform American English free of European or American regional accents. Thus, the *McGuffey's Sixth Eclectic Reader* of 1836 began with a table of instructions on how to sound out each word: "Let the pupil be required to utter every one of the elements in the table with all possible suddenness and percussive force, until he is able to do it with ease and accuracy."[52]

In selections from ancient Greek and Roman classics, modern European and English writers, and most of all American patriotic and religious leaders, students were introduced to a heritage that was reflected in the Readers' praise of Puritans and Revolutionary heroes. All (even the most recent immigrant from Ireland or Germany) could look to a past when: "Every settler's hearth was a school of independence; the scholars were apt, and the lessons sunk deeply; and thus it came that our country was always free; it could not be other than free."[53] All could share in the common morality, history, and faith the books inculcated, one that fit well with a common evangelical and Whig morality.[54] All could learn their place and "take care of the faithful dog." The children also learned to recite the Psalms, "Oh, that men would praise the Lord for his goodness, and for his wonderful works to the children of men!"[55] The readers began with a very simple morality. In the *First Eclectic Reader*, children read:

Shall birds, and bees, and ants, be wise
While I my moments waste?
O let me with the morning rise,
And to my duty haste.[56]

More complicated readings soon followed.

Citizens were not only to be good; they were to praise a common (Protestant, Christian) Lord. The moral and patriotic flavor of the Readers was clear throughout. One key reading was Patrick Henry's 1765 speech against the Stamp Act in which Henry demanded "give me liberty or give me death." In addition, it is not at all surprising that McGuffey should have chosen selections by his fellow Presbyterian minister, Lyman Beecher. Beecher expressed his pleasure in knowing "that our youth have access to so perfect a series of Reading Books. They are excellent for educational purposes—their religion is unsectarian, true religion—their morality, the morality of the Gospel."[57] McGuffey reciprocated Beecher's enthusiasm.

McGuffey used a Beecher temperance sermon in the *New Fifth Reader* to show the dangers of drink. In the sermon, a happy household is led to destitution because of the father's drinking. "And is this, beloved youth, the history of your course? In this scene of desolation, do you see the image of your future selves?"[58] Individual vice and virtue were only the beginning of McGuffey's morality. Students read Beecher's attack on the evils of drink and other sins, but they also read Beecher's sermon *The Memory of Our Fathers* for a broader understanding of American culture. Beecher asked all Americans to look to the Puritan founders of New England as leaders of "powerful talents, of great learning and of pre-eminent wisdom," who in spite of some faults "produced a piety as devoted, a morality as pure, a patriotism as disinterested, and a state of society as happy, as have prevailed where their doctrines have been most prevalent."

An idealized past was not the end of the matter for either McGuffey or Beecher. Soon the student moved on to the current questions presented in Beecher's widely publicized sermon *A Plea for the West*: "But what will become of the West, if her prosperity rushes up to such a majesty of power, while those great institutions linger which are necessary to form the mind and the conscience, and the heart of the vast world? It must not be permitted. . . . The great experiment is now making, and from its extent and rapid filling up, is making in the West, whether the perpetuity of our republican institutions can be reconciled with universal suffrage. Without education of the head and the heart of the nation, they can not be."[59] It was neither simple reading nor simple morality. Beecher was calling people to the "great experiment" of building a

new society in America in which Protestant morality and American patriotism would fit comfortably together and reinforce each other well.

The historian John Westerhoff has shown the nature of the morality in McGuffey's Readers changed over the years. Comparing the early 1836–37 editions with those published in 1879, Westerhoff concluded, "Calvinistic theology and ethics have been replaced by American middle-class civil religion, morality, and values." Nevertheless, for much of the nineteenth and early twentieth centuries, the Readers taught a clearly religious outlook and became objects of almost religious veneration.[60]

Confirming a Protestant Culture

For a wide range of white Protestants, the new religious establishment that was created through the common schools in most of the North and West in the 1830s and 1840s served their purposes well. Different denominations could maintain their unique features. Churches and Sunday schools could focus their efforts on the unique aspects of their tradition and on the conversion of individual sinners into believing Christians, an enterprise that they did not hand over to the schools.[61] But the vast majority of nineteenth-century American Protestants could happily and safely assign to the common schools the enterprise of building and transmitting an American culture, confident that the students were being enculturated in a religious world that was comfortably familiar.

Confirmation of the success of the common school in serving a wide range of Protestant Americans can be found in the failure of one alternative movement. Throughout the 1830s and 1840s, the Presbyterian church was split between members who favored cooperation with others in a range of enterprises, and those who saw interdenominational ventures as a serious neglect of their uniquely Presbyterian heritage. In 1844, the Old School Presbyterian General Assembly began considering "the expediency of establishing Presbyterian Parochial Schools" as an alternative to participation in the common school consensus.[62] They were wary of Horace Mann's advice that they participate in the common schools and limit their denominational education to teaching their own creed, for they sensed which articles of faith the children would take as primary.[63] In response, they opened their own separate Presbyterian day schools.

In his *Presbyterian Parochial Schools*, Lewis J. Sherrill reviewed the experiment. For more than twenty years, the Presbyterian school system persisted. Not all Presbyterians, even conservative ones, joined in. For example, Cincinnati's traditionalist Presbyterian leader Joshua Wilson, who had railed at Lyman Beecher on church issues, joined with his nemesis in support of common schools.

But enough people did join the parochial school movement to keep the system going for a time. Ultimately, however, the Presbyterian school system failed. Sherrill has given many reasons for the failure, but the most important reason was the success of the public school movement itself. Most Presbyterians did not want to be set apart. They saw themselves as primarily a part of the American public, with differences small enough to be taken care of in the adjunct institutions of church and Sunday school. The common school worked for them.[64]

Of course, for the public schools based on a generalized Protestant Christianity to succeed, the arrangement required ignoring significant numbers of people who did not agree. While the Presbyterians could not find sufficient differences with the public schools to maintain a separate system, more creedal denominations, especially Lutherans, and religious groups for whom the primary language was not English did maintain their own separate religious schools. As discussed in the next chapter, Roman Catholics were the great exception to the public school consensus. Lyman Beecher invited Catholics into the public schools, on the school's terms, but with no accommodation to their own concerns.[65] Horace Mann disparaged that "rival system of 'Parochial' or 'Sectarian schools.'"[66] In general antebellum school reformers chose to ignore Catholic concerns to say nothing of Jews or others who were not uncomfortable with the Protestant nature of the public schools. We will explore the Catholic response in chapter 3.

People of color were even more thoroughly excluded from the public being developed in the common school movement in most places. Chapters 4 and 5 explore their responses. Lyman Beecher spoke positively of missions to the Indians, but they were to be under the direction of the Board of Foreign Missions. African Americans, the vast majority of whom were still enslaved, were generally not considered. A few northern cities, such as Boston, did develop separate systems of racially segregated schools for the free black community there. A few free blacks and abolitionists challenged these arrangements and demanded integrated educational opportunities. We will explore that story in chapter 4.

Although other groups were ignored or consciously excluded from the common school enterprise, one must also ask whether the evangelical Protestants themselves may have lost something by their decision to participate so fully in it. William Kennedy has described the problem. "By assuming a major part of the moral and religious instruction of the American public, the schools took on a responsibility which they could not easily fulfill. . . . Hence also the emergence of Americanized religion in which a national morality and a 'lowest-common denominator' theology were mixed."[67] While "Protestantizing" the

culture, the evangelicals were also secularizing their own faith. The schools would take on a dynamism of their own, their leaders confident that "the idea of universal, free education, is fast becoming the grand central idea of the age."[68] In far too many places, Protestant Christianity, certain of its primary role in this "grand central idea," lost its unique edge and vision.

Roman Catholics and the Common School Movement, 1801–1892

If the public schools of the first half of the nineteenth century were a new form of Protestant religious establishment, what happened to those who did not agree with or were excluded from the establishment? To the constant surprise and annoyance of Horace Mann, Lyman Beecher, Calvin Stowe, and their allies, many people asked this question. But no group asked more persistently or acted more decisively when they did not like the answers than the nation's rapidly growing Roman Catholic population.

In 1800, the Catholic population of the United States was tiny and virtually nonexistent outside of Maryland, which was founded as a haven for persecuted Catholics from England more than a century earlier. By 1850, Catholics were the largest single religious denomination in the nation. While most Irish Catholics migrated to the nation's largest cities—New York, Boston, Philadelphia, and later Chicago, German Catholics settled in a more diverse pattern, becoming the dominant group in some Midwestern cities such as Cincinnati and Milwaukee, but also taking up farming where the land was available, in the rural Midwest and farther west. The U.S. War with Mexico and the subsequent treaty of 1848 transferred a huge amount of land from Texas to California and 90,000 formerly Mexican citizens, nearly all of whom were Catholic, to the United States. The result was a large—and to many of the established Protestants,—a very unsettling development. This rapid and dramatic change

had implications for all of the nation's institutions, and none more so than the public schools.

Catholic schools date from the earliest colonial years. The oldest recorded Catholic school was established in St. Mary's City, Maryland, around 1640. New York City, always a haven for diverse religious persuasions, had a Catholic school by the 1680s. There were also Catholic schools in the future American Southwest, then known as New Spain. But these schools were a small part of the colonial mix in which church-sponsored, for-profit, private, and quasi-governmental schools all existed in rich profusion. Even Maryland, originally founded as a haven for Catholics, saw a significant change in its status when an upsurge of anti-Catholicism in England led to the appointment of a new royal governor who implemented an "Act to Prevent the Growth of Popery," in 1704, which included a provision for state support only for the Anglican church and called for deporting any Catholic who kept a school or attempted to instruct children.[1]

By the 1760s and 1770s, the decades just before the American Revolution saw greater and greater tolerance for the small Catholic minority in the British colonies that would become the original states. The British victory in the French and Indian War in 1763 eliminated any threat from Catholic French Canada, and the growing religious tolerance found throughout the British Empire had an impact. Nevertheless, deep distrust of "Papists" remained. As the Jesuit historian Neil McCluskey notes, at the time of the Revolution, in only four of the original thirteen states were Catholics free of all limits on the right to vote and hold office. The opposite was true in the Southwest, where until 1821 Spanish authorities required any new resident to convert to Catholicism and where most schools were conducted by the Roman Catholic Church.[2]

The Vatican responded quickly to the creation of the United States as a new nation. In 1789, John Carroll was appointed the first Catholic bishop in the United States. Based in Baltimore, Carroll's diocese included all of the new nation and its approximately 30,000 Catholics. In his first pastoral letter to his new flock, Carroll devoted significant attention to education, addressing both his concern for recruiting and training priests and nuns and for the education of the general Catholic population. Regarding the latter, he reminded, "Knowing, therefore, that the principles instilled in the course of a Christian education, are generally preserved throughout life . . . I have considered the virtuous and Christian instruction of youth as a principal object of pastoral solicitude."[3] It was a concern that would only grow among Carroll's successors.

After an initially slow start, the Catholic population of the United States mushroomed. And the change was more than in numbers. Whereas colonial Catholics had been primarily English dissidents, descendants of the minority

who had rejected the Protestant Reformation in their homeland who were joined by a small number of German Catholic immigrants, the Catholic immigrants of the 1830s, 1840s, and 1850s, were predominantly Irish or German, drawn from the poorest of Europe's poor who came to the United States to avoid starvation and war in their homelands. Added to the religious differences, there were now huge class and economic differences between the more established Protestants and the newly arrived Catholics. McCluskey notes that, from the Protestant perspective, "These people were not just Catholics, but foreigners with a different look and a strange accent to them. Their cheap labor flooding the market posed an economic threat. They were people of the ghetto, the slum, and the saloon."[4] From the Catholic perspective, especially for Irish Catholics fleeing the potato famine, the English-speaking Protestant majority looked, spoke, and acted an awful lot like the Protestant authorities who had starved them out of their homeland.

At the same time as these new Catholic immigrants arrived, the schools of the nation were being organized into a much tighter system as we saw in chapter 2. The two developments quickly impacted each other. Where many different kinds of arrangements for schooling had existed side by side in the colonial era, by the 1830s the North and Midwest had a public school system in which the state-supported common school was supposed to serve, and mold, all citizens. And as also shown in the last chapter this system was designed to instill Protestant values, especially in those who might not otherwise share them. Catholics were welcomed, but only on Protestant terms. It was not an arrangement designed to make the new immigrants or their religious leaders happy.

Catholic Schools in the Southwest

The 1848 Treaty of Guadalupe Hidalgo ended the US war with Mexico and added Texas and the future states of Arizona, New Mexico, California, Nevada, and parts of Utah and Colorado to the United States. It also shifted 90,000 people who had been citizens of the Republic of Mexico to American citizenship, not counting the American Indians who lived in this vast territory. Prior to 1821, anyone wanting to settle in what was still the northern territory of New Spain had to avow the Catholic faith. The result was that nearly all of these 90,000 new American citizens were Catholic in name if not in practice.

From the time of the earliest exploration of the region in the 1600s until the Republic of Mexico won its independence from Spain in 1821, the sparsely settled region from Texas to California was simply the most northerly territory of Spain's vast American empire. Education in the region was almost entirely in the hands of the Catholic Church. Children of the Spanish settlers and soldiers and such Indian children as were attracted to the schools were taught by

priests and nuns in the missions of Texas, New Mexico, and California just as they were in the Franciscan classical school that was founded in St. Augustine, Florida, in 1606.

When the government of the newly independent Republic of Mexico was organized after their war of independence ended in 1821, its leaders meant to create a secular political system. Mission lands were confiscated from the Catholic Church and Catholic schooling, if it continued at all, did so at a much reduced level. The new 1824 Mexican Constitution created a system of public education for the country, but the isolation of the northern regions meant that little was done to build schools though in the case of California some twenty government teachers were sent to open schools there that competed with schools run by the Sisters of Charity and other religious orders.

Ironically, the American takeover in 1848 allowed significant expansion of Catholic schools in the region. Some of the mission lands and churches that had been confiscated by secular authorities in Mexico were returned to the Catholic Church by the American authorities. In New Mexico Territory, the Catholic Church was led by a new leader, Bishop J. B. Lamy, who arrived in Santa Fe in 1851, fresh from his time in Baltimore. The French-born Lamy deeply distrusted the French Revolution and the secularizing tendency in the Mexican Revolution. He saw US control of the region as a way to strengthen the power of the Catholic Church. Lamy reestablished Catholic schools, and fifteen to twenty Catholic schools were opened in New Mexico between 1853 and 1874.

In the same years, Catholic schools for Mexican boys and girls were established in Santa Barbara, Ventura, and Los Angeles, California, and in El Paso, Brownsville, Corpus Christi, and San Antonio, Texas. Only well after the Civil War, in the 1870s and 1880s, were public schools, many preceded by Presbyterian mission schools, established in the region. But for most of the rest of the United States, the Southwest was far away, exotic, and not considered a significant threat to the Protestant dominance of the United States. Other developments, closer to the center of national life, were having a greater impact on public opinion.[5]

Catholic Schools in New York Seek Equal Funding

In New York, the battle lines about the appropriate relationship of religion, public education, the use of tax funds, and democracy were drawn with great clarity.[6] In 1800, there were about 1,300 Catholics in New York City, almost all of whom were connected to the parish of St. Peter's Church, which had been built in 1785. In 1801, the church opened a day school. The parish applied for and in 1806 began to receive a share of the state school fund, as did other schools. At the beginning of the nineteenth century, a wide array of different Protestant denominations and other private groups organized their own schools and received state aid to support their efforts. There were no public schools as

we know them, certainly no system of public schooling, only a diverse collection of private schools that received public funds. The New York City Common Council chose not to establish any schools of its own but rather to pass its share of the state subsidy on to local schools, all of which were given wide latitude about how to operate their own institution. In this context, Catholics applied for, and received, their share just as others did.[7]

By 1815, New York City's Catholic population had grown from the 1,300 out of 60,000 New Yorkers to around 15,000 out of a total city population approaching 100,000. St. Patrick's Church opened a second school that also received state funds starting in 1816. Together these two schools enrolled approximately 500 students. New York seemed well on its way to a pluralistic approach to the management and funding of education in which different groups, religious or secular, would form their own schools, apply for state aid, and serve their constituency. It was not to last.[8]

Among the others also operating schools in the city was the Free School Society, founded in 1806 by a group of New York's business elite. It included several different Protestant groups but was dominated by Quakers. The Free School Society's goal was to provide nonsectarian schools for the city's poor—charity schools they were called. Initially, the society's schools coexisted comfortably with various private and denominational schools sponsored by several Protestant churches as well as the Catholic schools. By 1825, however, the Free School Society's leaders began to dream of a larger goal. They aspired to become *the* common school society of the city. Concerned that funding for denominational schools was draining away resources they could use, they wrote in their annual report: "Our free schools have conferred the blessings of education upon a large number of the children of the poor, but still it is to be lamented that a description of public school is wanting amongst us, where the rich and the poor meet together."[9] Other New Yorkers would not easily cede their position to the society.[10]

The trustees of the Free School Society did more than write about their desire for a unified school system under their management. Having already, in 1824, persuaded the state legislature to allow the New York City Common Council resolve any disputes about the use of school funds in the city, the society quickly persuaded the council to take the radical step of making the society's schools the only ones to receive public education funds. In 1825, the society's trustees changed their name to the Public School Society, with a goal of attracting all citizens, not just the poor, to their schools. By year's end, New York City had a single publicly funded school system, although its administration remained in the hands of the trustees of a private society for almost two more decades.

The trustees of the Free School Society—now the Public School Society—acted as they did for a number of reasons. Their most immediate cause of

concern in the 1820s was not Catholic schools but the rapidly growing school system of the Bethel Baptist Church, which had established its first school in 1820 and had added two more by 1824, in direct competition with the Free School Society. In was in response to this competition that the society began to lobby for an end to any state funds flowing to sectarian schools, other than their own.

The society's trustees argued that they were modeling their schools on those of New England where, they believed that in the public schools, "the child of the poorest citizen feels on a perfect equality with his richer classmate . . . and where all feel the dignity of receiving their instruction as a right."[11] Whether that view was correct or not, the New York leaders wanted to create that kind of common school experience in New York City. And as New England, especially Massachusetts under Horace Mann, began to centralize control of schools, they liked that model, too.

There was no coordinated leadership among the different states, but as reformers in Massachusetts and the Midwest worked to create a unified state school system, New York's education reformers read their articles and borrowed their ideas. So DeWitt Clinton, who served as mayor of New York City and later the longtime governor of the state, wrote to his friend Isaac Collins, "The obtrusion of Charity Schools on our System has done much evil. I was opposed to it from the start—but how to get rid of it, is difficult."[12] Within two years, Clinton and his friends had done the "difficult" thing, and they were in charge.

While the creation of the Public School Society as the only publicly funded school system in New York cut off resources for all denominational schools, the impact on Catholic schools was especially severe. In general, recent Catholic immigrants were among the poorest of New Yorkers, with the least expendable funds for maintaining their own schools. And, perhaps more important, the schools of the Public School Society, like their counterparts in New England and the Midwest, were clearly Protestant schools, although as elsewhere they avoided anything unique to any one denomination of Protestants. Through the use of the King James Version of the Bible, and through the morality of their textbooks, these schools taught the superiority of Protestant values to Protestant and Catholic alike.

New York's Catholics generally suffered in silence for the first fifteen years of the Public School Society's monopolizing of school funds. Catholics still built their own schools at their own expense. By 1840, New York's Catholic population had grown to somewhere in the range of 60,000 to 80,000, or approximately one-fifth to one-fourth of the city's total population of 312,710. As the Catholic population grew, schools continued to open in new parishes. By 1840, eight Catholic parochial schools served an estimated 5,000 students out

of an estimated 12,000 to 16,000 Catholic school-aged children. With the appointment of John Hughes, a new young bishop, and with the support of William Seward, New York's Whig governor, New York's Catholics were ready to challenge the dominance of the Public School Society and to demand their fair share of school funds.

In 1840, Governor Seward proposed reconsideration of the 1825 arrangements for New York City and urged that funds be made available to schools that shared the students' language and religion. Understanding a clear signal, the trustees of the eight Catholic schools petitioned the Common Council for a share of the school funds. The Public School Society fought back. The public school leaders offered to remove any textbook especially offensive to Catholic views. But they would not budge on the money. In April 1840, the trustees issued a hard-line document accusing their opponents of "religious zeal, degenerating into fanaticism and bigotry." They appealed to the constitutional provisions that "there should be no establishment of religion by law; that the affairs of the State should be kept entirely distinct from, and unconnected with, those of the Church." And most of all, they rejected the notion that Catholics had a right to a share of the school funds even though they were taxed for support of the schools. "It should be borne in mind that they are taxed not as members of the Roman Catholic Church, but as citizens of the State of New York; and not for the purposes of religion, but for the support of civil government." And civil government, in the form of an appropriation for the Public School Society, was thus the only appropriate means of spending school funds, the society's advocates argued.[13]

Bishop Hughes was part of a new generation of militant American Catholics. For Bishop Hughes and his coreligionists, the fight had just begun. In September 1840, at a meeting chaired by the bishop, they wrote a formal petition to the Board of Aldermen for a portion of the common school fund. This petition made the case for the right of a religious minority to its own separate share of public school funds. As citizens who "bear, and are willing to bear, their portion of every common burden; and feel themselves entitled to a participation in every common benefit." They also felt compelled to outline the reasons the schools of the Public School Society did not serve their needs. The issue, from a Catholic perspective, was clear. Rejecting Horace Mann's approach, the Catholic petitioners argued that either the Public School Society was sectarian (and Protestant sectarian and anti-Catholic) or it was nonreligious and therefore antireligious and anti-Christian. There were simply no other options. "But they [the Public School Society] profess to exclude all sectarianism, from their schools. If they do not exclude sectarianism, they are avowedly no more entitled to the school funds than your petitioners or any other denomination of

professing Christians. If they do, as they profess, exclude sectarianism, then your petitioners contend that they exclude Christianity." The battle lines were set.[14]

From the perspective of many Catholics, as well as many Protestants, a common school in a religiously pluralistic society, by definition, fails one of two standards. Either it favors one religion over another or it is secular and antireligious. The position of lowest-common-denominator faith in the schools, defended by the Horace Manns and trustees of the Public School Society, simply does not work for many people.[15]

In the case of the curriculum of the Public School Society schools, the point of failure was more dramatic. The Catholic petitioners complained that "the term 'Popery' is repeatedly found in them. This term is known and employed as one of insult and contempt towards the Catholic religion, and it passes into the minds of children. . . . Both the historical and religious portions of the reading lessons are selected from Protestant writers, whose prejudices against the Catholic religion render them unworthy of confidence in the mind of your petitioners, at least so far as their own children are concerned." While the Public School Society denied that there were texts with anything "reasonably objectionable to Catholics," these petitioners found plenty. In one specific example, the petitioners noted a biographical reference for "Huss, John, a zealous reformer from Popery, who lived in Bohemia, towards the close of the fourteenth, and beginning of the fifteenth centuries. He was bold and preserving; but at length, trusting himself to the deceitful Catholics he was by them brought to trial, condemned as a heretic, and burnt at the stake." The Catholic petitioners wondered whether the Public School Society really needed Catholic consultants to guess that the reference to "deceitful Catholics" might be offensive.[16]

Finally, of course, the petitioners turned to the heart of the matter. They argued that they had lost all confidence in the schools of the Public School Society. For good reason, they said, their only option was to establish schools of their own. "The expense necessary for this was a second taxation, required not by the laws of the land, but by the no less imperious demands of their conscience." In this unfair situation, where they clearly could not use the tax-supported schools, the petitioners were left with an unfair choice: "They were reduced to the alternative of seeing their children growing up in entire ignorance, or else taxing themselves anew for private schools, whilst the funds provide for education, and contributed in part by themselves, were given over to the Public School Society." They wanted to return to the pre-1825 arrangement and receive public funds for the eight schools of the diocese.[17]

The battle continued for another two years with a final compromise that pleased no one. The Common Council asked the Public School Society to make another effort to remove anti-Catholic bias in the schools. The state superintendent of Common Schools recommended a decentralized district plan

for the city that would break the authority of the Public School Society. Finally, in April 1842, the state legislature passed and Governor Seward signed a bill that placed the schools under the control of public officials and a city board of education with an explicit prohibition on any sectarian teaching in the schools. From the Catholic perspective, "We have to consider more the evils from which it relieves us, than the positive benefits which it confers."[18] The private Public School Society had lost its power. With the passage of the 1842 legislation, New York City had a public school system like most other cities in the North. But Bishop Hughes did not get any aid for his parochial schools. In fact, the Board of Education's first superintendent was the nativist William Stone, who immediately enforced Bible reading, "without note or comment," in the style of Horace Mann. New York City had joined most of the rest of the nation in having a public school system that was publicly funded and publicly controlled and that reflected a generic Protestantism at its core.

Violence in Philadelphia and Beyond

While the issue of Catholic educational rights was fought out in a series of legislative battles in the New York City Common Council and in the state legislature, that was not true everywhere. In Philadelphia, the issues were fought out on the streets with considerable violence, including eventually some twenty deaths.

The crisis in Philadelphia began in 1842 when the school board adopted a policy that said "that as all sects contribute in the payment of taxes to the support of Public Schools, the introduction of any religious or sectarian forms as part of the discipline of the Schools, must have a tendency to impair the rights of some" and was therefore prohibited. The board insisted on "confining the instruction in our schools to the ordinary branches of elementary education." Then in the process of implementing the same policy the same board mandated daily reading of the King James Version of the Bible by all public school students as part of the "ordinary branches" of education.[19]

What seemed fair and inclusive to the Philadelphia School Board did not seem so to the city's Catholic bishop, Francis Patrick Kenrick. In response to the policy, Kenrick wrote to the board asking that Catholic students either be allowed to read from the Douay (Catholic version) Bible or excused from Bible reading and public prayers. Initially, the board agreed to Kenrick's request and adopted a policy that excused Catholic students from required Bible reading. But the policy was not well implemented.

Between 1842 and 1844, the Catholic press reported many instances of Catholic students being humiliated and subject to corporal punishment for refusing to read the King James Bible. By early 1844, Bishop Kenrick and a number of Catholic parents had had enough and again asked that their children be allowed

to read the Douay Bible. But the board said that the commentary in the Douay Bible made it inappropriate for any public school student. The *Catholic Herald* noted that the policy meant in practice "a virtual adoption of the Protestant principle, that the Bible without note or comment is the rule of faith." But the board would not budge. They did, however, reiterate the policy of exempting Catholic students from any Bible reading and added new penalties for teachers who punished students for refusing to read the King James Bible.

By 1844, the arguments in Philadelphia had spread far beyond the school board and the bishop. Anti-immigrant sentiments were powerful in many parts of the United States, and the Native American Party (commonly known as the Know Nothing Party)—an anti-Catholic political organization (with no connection to Native Americans)—was winning elections to state legislatures, to Congress, and to governorships in several states. And in the 1840s most immigrants were Catholic and large numbers of Catholics were immigrant. Anti-immigrant politicians, social groups, and mobs, commonly called *nativists* were a force to be reckoned with. And in 1844 the Know Nothing Party sought votes in Philadelphia in that year's elections by accusing Catholics of attempting to ban Bibles from the schools. While Bishop Kenrick replied, "Catholics have not asked that the Bible be excluded from the Public Schools. . . . They have merely desired for their children the liberty of using the Catholic Version," such a rational response did not placate the growing anti-Catholic animosity.

In May 1844, nativists began holding massive anti-Catholic rallies, some in Catholic neighborhoods. On May 6, a rally of some 2,000 nativists in a largely Irish-Catholic neighborhood was met with insults and rocks and then shots were fired by both sides. Nativists in the mob and Catholics battling with them were killed as well as at least one onlooker. One nativist newspaper said, "The bloody hand of the Pope has stretched itself forth to our destruction." Bishop Kenrick called for an end to the violence and asked Catholics "to shun all public places of assemblage, and to do nothing that may exasperate." But the violence continued on both sides. Before long a nativist mob burned a number of buildings in the Irish Catholic neighborhood including St. Michael's Church and then burned St. Augustine's Church in a more affluent and mixed neighborhood.

The burning of St. Augustine's Church brought a response from Philadelphia's mostly Protestant elite who wanted the violence to end and who organized "peace police." Nevertheless, further violence broke out again in July with new riots. A grand jury blamed the riots on Catholic violence and "the efforts of a portion of the community to exclude the Bible from the public schools." When Bishop Kenrick formally asked the school board if Catholics had ever asked for the exclusion of the Bible, including the King James Version for Protestant children, the board said no, but many were unconvinced. A court did

find the city guilty of failing to protect Catholic property and ordered payment for the rebuilding of St. Michael's and St. Augustine's churches. But the larger issues remained unresolved.[20]

A formal Catholic response to what they saw as the Protestant nature of nineteenth- century public schools came about in 1852 when for the first time the nation's Catholic bishops gathered. Whereas in 1789, Bishop Carroll of Baltimore had been responsible for all Catholics in the United States, by 1852, the nation had six archbishops and thirty-five other bishops. When they met at the First Plenary Council in Baltimore in 1852, the former Philadelphia bishop Francis Kenrick had been promoted to archbishop of Baltimore and as such was chair of the council. In the resulting pastoral letter, the bishops urged Catholic parents, where possible to "encourage the establishment and support of Catholic schools; make every sacrifice which may be necessary for this object." And even in places where there were no Catholic schools, parents were told that when it comes to the education of their children, "you are to watch over the purity of their faith and morals with jealous vigilance, and to instill into their young hearts principles of virtue and perfection. . . . Be not led astray by the false and delusive theories which are so prevalent, and which leave youth without religion. . . ."[21]

What watching over the purity of faith and morals meant became very clear in Boston in 1859. As in other parts of the country, the Native American (Know Nothing) Party was powerful in Boston in the 1850s and supported the policy of requiring the reading of the King James Bible in the public schools. For the Know Nothings, Bible reading without note or comment was essential to morality and Americanism as they defined it. The tensions with Boston's growing Catholic population were long simmering. Benedict Fenwick, Boston's Catholic bishop, had objected to what he saw as anti-Catholic textbooks in 1843 with little impact. However, in light of the Council of Baltimore in 1852, Catholic priests, parents, and students became more militant. In 1859, the school committee chair, Micah Dyer, a staunch nativist, realized that some teachers were allowing Catholic children to skip the required prayers and Bible reading and demanded individual Bible reading. An eleven-year-old Thomas Wall, a student at the mostly Catholic Eliot School, refused: "I wasn't again going to repeat them damn Yankee prayers." Wall was beaten until he gave in. His family sued school officials for abuse. The Boston Police Court blamed Wall's father and priest who had urged him to resist and did not punish the school officials. John Fitzpatrick, who had replaced Fenwick as bishop, wrote the school committee: "The law as administered holds forth the Protestant version to the Catholic child and says 'receive this as the bible.' The Catholic child answers, 'I cannot so receive it.' The law as administered, says, 'you must or else you must be scourged, and finally banished from the school.' "

While the school committee ignored Bishop Fitzpatrick's letter and continued its policy, Massachusetts began a series of changes that, by 1864, meant that a Catholic child, or any child, could be excused from religious activities in the schools.[22] Two decades later in 1888, a new incident showed how much Boston, if not the nation, had changed. In cities such as Boston, second-generation Irish Catholics were beginning to gain political power, and the Boston School Committee was half Catholic in membership. In that year, Charles B. Travis taught his students at Boston English High School that for Catholics an indulgence was a "permission to commit sin." When a priest called this to the attention of the school committee, that body deleted the textbook that Travis was using from the curriculum and shifted Travis to teaching in a different field. Like much of the urban East Coast, Boston had become a different place by the 1880s.[23] Catholics did not gain as much political power elsewhere and not all of the rest of the nation was following the same trajectory.

The Cincinnati Bible Wars, 1869–1873

At the close of the Civil War, white Protestant Americans were a deeply divided lot. The war had been fought largely between white Protestants of the North and white Protestants from the South. The rapid industrialization of the North, begun in the 1830s and accelerated by the war, was creating new class divisions that were far deeper than earlier ones.

The war also hastened other changes in the country that had been developing for some time. After 200 years in North America, African Americans were now enfranchised citizens although their freedom was challenged on every side. American Indians were still present despite two centuries of attempts at extermination. And more and more immigrants were coming to these shores who were not Protestant (Irish, German, and Italian Catholics or later in the century not Christian, especially Russian and other European Jews, Chinese and later Japanese and other Asians). And in the US War with Mexico in 1846–1848, the United States also conquered new lands in the Southwest that included a majority of mostly Roman Catholic Hispanic citizens. The United States has always been a diverse nation. Nevertheless, for adult white Protestants in the 1860s or 1870s, the perception of the world was likely to be shaped by a sense of rapid change and a growing cultural and religious diversity that threatened their own long-accepted hegemony. It was a sense of change that led to grand visions but also to mean-spirited fears. And it would change many people's attitude toward the relationship between religion and the public schools.

The first Vatican Council that met in Rome in 1869–1870 was far more concerned with Europe, especially the impact of the French Revolution on European ideas, than on anything in the United States. But the result was a council that moved the Catholic Church in conservative and centralizing directions. Among

the council's actions was the declaration of papal infallibility on matters of faith and morals. Bishop Bernard McQuaid of Rochester, New York, feared that the council vote in Rome would exacerbate tensions in the United States. Prior to the vote, he wrote that "we can look for hard times in all countries in which Catholics and Protestants are expected to live together." American newspapers, overwhelmingly Protestant owned and dominated, played up the issue. McQuaid's fears were correct. For many American Protestants, these actions confirmed deeply held fears of Catholics. [24]

Long simmering tensions about school funding, anti-Catholic bias in the public school curriculum, and Protestant fears of Catholic intentions came to a head in Cincinnati Ohio in 1869, Cincinnati was home to antebellum evangelical Protestants such as Lyman Beecher and Calvin Stowe who waged their campaign for a Protestant America in the 1830s and 1840s from that base. The city also saw a rapid growth of its Catholic population supported in part by Catholic efforts to encourage emigration from Germany to the American Midwest. And from the beginning, Catholics challenged Protestant hegemony. As public schools were organized in Cincinnati in 1829, they included mandated Bible reading and prayer. In response, the newly installed Catholic bishop of the city, John Purcell, wrote in the *Catholic Telegraph* that "the children of poor Catholics frequent [the public schools] for the purpose of learning to read, [but] . . . the foundations of spiritual life are poisoned and those unsuspecting children have tracts placed in their hands, insinuating the vilest and most malicious slander of our real principles." It would not be the last time that Bishop Purcell, who led Cincinnati Catholics for fifty years from 1833 to his death in 1883, challenged the Protestant nature of the public schools. Like his counterparts on the East Coast, Purcell created his own system of Catholic parochial schools and urged Catholic parents to bear the cost of using them to ensure a Catholic education free from the propaganda, that he saw in the public schools.[25]

By 1869, Cincinnati still had a Protestant majority, but Catholics were the largest single denomination and Archbishop Purcell was the city's leading religious figure. The city's Catholic schools enrolled more than 12,000 children compared with 19,000 in the public schools. The Catholic schools were growing more quickly, however, and many expected they would soon surpass the public schools. Moderates on the Cincinnati school board sought an arrangement with Purcell to unite the two school systems. In the Cincinnati proposal, the public school system would take over the Catholic schools and pay the teachers. Bible reading and hymn singing would be banned in all schools. And on weekends, the Catholic diocese would lease back the former parochial schools and offer religious instruction. It seemed like a reasonable plan to negotiators on both sides, but it was not to be.

Anti-Catholic papers in Cincinnati got word of the plan and began an attack on what they said was an effort to take the Bible out of the schools. Nationally, *Harper's Weekly* attacked what its editors called a popish plot. In response, Archbishop Purcell withdrew from the negotiations and attacked the school board for not simply dividing the school funds between the public and the Catholic schools. In the battle, moderate voices were drowned out though they did not disappear.

As the school board debated the proposal to end Bible reading in the schools, a group of Protestants organized a "friends of the Bible" committee to demand Bible reading. Amory D. Mayo, a Unitarian minister who was also a member of the school board, argued for the Bible. "We place the Bible in the school without note or comment, or explanation," Mayo said, "because no book or teacher so well enforces the universal religion of love." He reminded listeners that in 1864 the Pope had condemned the separation of church and state and said that "the priesthood had always been hostile to American ideas and institutions."

Another Unitarian minister Thomas Vickers, also a member of the school board, challenged Mayo. Along with a lawyer, Johann B. Stallo, who made it clear that he rejected all religions, Vickers organized their own rallies and were supported by other religious liberals, unbelievers, and Jews, including rabbis Max Lilenthal and Isaac Mayer Wise (who would become widely known as a reform leader in Judaism and founder of Cincinnati's Hebrew Union College). Since Purell had withdrawn from the negotiations, few Catholics were involved one way or another.

While it seemed that a significant majority of Cincinnati's Protestants supported Bible reading in the schools, the school board voted 22 to 15 to pass the ban when they met on November 1, 1869. It seemed there were more moderate voices in Cincinnati than the size of their rallies might imply. While all ten Catholic school board members voted for the resolution, so did eleven of the Protestant members. The two Jewish members of the board split, one voting for and one against the resolution. The minority immediately appealed to the courts, seeking an injunction against the ban on Bible reading.[26]

In the first round of judicial proceedings, the Superior Court in Cincinnati voted 2 to 1 in favor of the injunction. In a dissent to this decision, Judge Alphonso Taft, father of the future president, agreed with the school board. To him, reading the Bible in school clearly violated Ohio's Bill of Rights. It was offensive to Jews, Mormons, Buddhists, atheists, and freethinkers of many stripes. Clearly, Judge Taft had a broader sense of what it meant to be an American than most of his fellow Protestants in the 1870s. He said: "The idea that a man has less conscience because he is a rationalist, or a spiritualist, or even an atheist, than the believer in any one of the accepted forms of faith, may be cur-

rent, but it is not a constitutional idea in the state of Ohio." Taft paid for his liberality by never again receiving a Republican nomination for office.

Although they took three more years to make a decision, the Ohio Supreme Court finally resolved the issue in the spring of 1873 with a unanimous holding that reinstated the school board's decision to exclude the Bible and other religious exercises from the schools. The state Supreme Court sided with Judge Taft in declaring that the ban was certainly within the school board's authority but the court also said: "United with government, religion never rises above the merest superstition, united with religion, government never rises above the merest despotism; and all history shows us that the more widely and completely they are separated, the better it is for both." James Madison could not have said it better.[27]

While Cincinnati was struggling with Bible reading, New York City focused on the issue of money. The infamous Boss Tweed (William M. Tweed), leader of Tammany Hall's corrupt political ring that achieved such political power in New York in the 1860s and 1870s, succeeded where Bishop Hughes had failed. Though Tweed was himself a Protestant—the last Protestant to lead Tammany—he was eager to court New York's Catholic voters who made up a large part of Tammany's political power. In 1869, he convinced the New York state legislature to provide state funds for religious schools with 200 or more students—in practice, this meant largely Catholic parochial schools. For many Protestants, this law represented "a direct attack upon the essential theory of our public school system." Illinois and Iowa quickly amended their state constitutions to ban any such aid. Thomas Nast, the famous anti-Tweed cartoonist, began a series of mean-spirited cartoons showing "What Sectarian Appropriations of the School Fund Is Doing and What It May Lead To," with a Catholic bishop and a racist version of the Buddha each absconding with school monies.[28]

In response to the Cincinnati and New York developments, an organization called the National Reform Association (NRA), originally called the Christian Amendment Movement, came to life. The NRA was organized during the Civil War to amend the Constitution to declare the United States to be a Christian nation. The movement floundered but never disappeared. With the Ohio Supreme Court decision in 1873, the NRA saw its chance and began a massive new organizing drive. In January 1874, the NRA presented Congress with a petition that was 953 feet long that contained more than 35,000 names demanding an amendment to the US Constitution to declare the United States a Christian nation. In spite of the support, however, a majority of Congress was not convinced. A month after the petition was presented, the House Judiciary Committee reported that "it was inexpedient to put anything into the constitution or frame a government which might be construed to be a reference

to any religious creed or doctrine." The amendment was off the table. But that did not mean that the general defense of a broadly Protestant culture and school system had died. For many Protestant Americans, Catholic schools remained a distinctly un-American threat. Thus, the stage was set for the battle of 1876.[29]

The Blaine Amendment: Religion, Schools, and the Election of 1876

In August 1876, in the waning days of Reconstruction and in the midst of the presidential campaign between Republican Rutherford B. Hayes and Democratic nominee Samuel Tilden, the US Senate voted on an amendment to the Constitution. Known as the Blaine Amendment, the proposed change would have added a long list of very specific restrictions on the use of public money to the Constitution. The amendment said:

> No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no religious test shall ever be required as a qualification to any office or public trust under any state. No public property and no public revenue of, nor any loan of credit by or under the authority of, the United States, or any state, territory, district, or municipal corporation, shall be appropriated to or made or used for the support of any school, educational or other institution under the control of any religious or anti-religious sect, organization, or denomination, or wherein the particular creed or tenets of any organization, or denomination shall be taught. And no such particular creed or tenets shall be read or taught in any school or institution supported in whole or in part by such revenue or loan of credit; and no such appropriation or loan of credit shall be made to any religious or anti-religious sect, organization, or denomination, or to promote its interests or tenets. This article shall not be construed to prohibit the reading of the Bible in any school or institution; and it shall not have the effect to impair the rights of property already vested.

The vote fell along strict party lines with all of the Republicans supporting the amendment and all of the Democrats opposing it. While the Republicans were in the majority, they did not have the needed two-thirds vote to move the amendment along to the House and to the states.[30]

The party-line vote on this amendment revealed a great deal about the deep fissures running through American politics at the time. The original amendment, as proposed by Republican House Speaker James G. Blaine, had simply banned public funds for any school "under the control of any religious sect." In the heat of the presidential campaign, the Republican nominee Hayes, governor of Ohio, dictated a much more detailed amendment that would allow him to campaign on a platform that showed that he and the Republican Party were clearly committed to support for the public schools and to a significant federal role in the schools, that they were absolutely opposed to any form of support for

Catholic parochial schools, and that they supported Bible reading and other religious symbols in the schools as a means of unifying a Christian, and predominantly Protestant, nation. Fresh from his reelection victory in Ohio, based on a vitriolic anti-Catholic campaign, Hayes meant to campaign for the presidency on what he understood to be a winning combination of anti-Catholicism and a pro-pan-Protestant public school ideology. Hayes's decision to focus his campaign on school issues represented, in many ways, the culmination of Carl Kaestle's description of Whig/Republican ideology that supported public schools based on a belief in "the superiority of American Protestant culture; the grandeur of America's destiny; and the necessity of a determined public effort to unify America's polyglot population, chiefly through education." Seeking to succeed the great Civil War hero but discredited politician Ulysses S. Grant, Hayes and his managers thought they had hit on a winning issue.[31]

In *Religion, Race, and Reconstruction: The Public School in the Politics of the 1870s*, Ward M. McAfee described the politics of the Blaine Amendment. It was an era in which battles over continued support for Reconstruction and the rights of Southern blacks, and battles regarding religion and schooling—whether over the question of Bible reading in public schools or the use of tax dollars to support Catholic parochial schools—were mixed in the highly charged partisan divisions. The Hayes-Tilden election is remembered for its tragic outcome in which Tilden's electoral majority was thwarted in Congress through an agreement with some Southern electors to support Hayes in return for a guarantee that he would remove the last federal troops that were protecting black rights in the South.

While the election is remembered for its impact on race, the campaign itself was mostly fought over religion and the public schools. Republicans sought to increase the role of the federal government in standardizing education for blacks and whites and Northerners and Southerners. They also sought to resurrect the overtly Protestant nature of the schools through required Bible reading (from the Protestant King James Version only) and an absolute prohibition on any state aid to Catholic parochial schools. Governor Tilden, of the much more diverse state of New York, built his own campaign coalition around a base of Northern Catholics, who clearly wanted government aid for their schools and resisted the use of a Protestant translation of the Bible in the public schools, and Southern whites who remained deeply hostile to Reconstruction and African American civil rights and to what they often saw as a Northern invention—the public school. Prejudices ran deep on both sides. There is little appealing in the prejudices of either candidate or their followers.[32]

Historians have have paid surprisingly little attention to the bitter battles about religion and the schools at the very heart of the 1876 election campaign. For anyone interested in the long history of struggles over the evolving relationship

between religion and public education in the United States, it is one of the most illuminating moments in the story. Only in the context of the rapid changes brought about by the creation and growth of schools in the South after the Civil War under African American leadership (see chapter 4), white Southern fear and opposition to those schools, and the parallel growth of Roman Catholic majorities in many of the cities of the North can the election's key issues be understood.

From the Republican perspective, the issues were clear. The Republicans did not have the courage to campaign for the rights of southern African Americans in the face of persistent racism. But if Southern racism could be linked to Northern fear of immigrant Catholics, the issues shifted dramatically. As McAfee has said, "In the South, Ku Klux Klan terrorists were then burning public schools. Accordingly, these midnight criminals demonstrated their disloyalty to American nationalism. In the North, Roman Catholics sought to remove the Bible from the public schools. Therefore, these dissenters also revealed their contempt for the nation." The solution according to the Hayes campaign was to save the nation with the schools—schools in which the Protestant Bible was a key part of the curriculum.[33]

For Roman Catholics, the losses were clear. While the Blaine Amendment was never adopted at the federal level and disappeared from consideration after the election, state aid for parochial schools never again developed a strong constituency. When Colorado was admitted to the nation in 1876, Congress insisted that its state constitution bar state aid to any sectarian schools, and all future states were expected to include similar bans. Many older states adopted the same restrictions during the next few years. What came to be called "little Blaine amendments" were found in state constitutions around the country. At the same time, Catholic insistence, supported by the nation's growing Jewish population and a number of other people—religious and nonreligious—the more overtly Protestant symbols began to be purged from the schools. While schools did become more secular as a result of the need to respect Catholics, Jews, and others, secular schools, whatever their value, had hardly been the primary Catholic goal. In the twentieth century, the Supreme Court began to interpret the Fourteenth Amendment as applying the First Amendment's limits on the federal government to state and local governments, and in an odd way, a more liberal court enacted much of the heart of the Blaine Amendment into US constitutional history. As late as 1960, when John F. Kennedy ran for president, one of the keys to his success in becoming the nation's first Catholic president was his clear disavowal of any intention of supporting federal aid for Catholic parochial schools. The prejudices of the Blaine era ran deep indeed.[34]

Creating a Catholic Parochial School System

For John Hughes, bishop and later Archbishop of New York; for John Fitzpatrick Bishop in Boston, and Francis Kenrick, Bishop in Philadelphia and later archbishop of Baltimore and the pope's representative to the United States, the issue was resolved by the late 1850s. In Cincinnati, Bishop Purcell came to the same conclusion in the 1860s. In spite of their very different personalities, these men and the other bishops continued to assert what they saw as the obvious Protestant bias of the public schools and Catholic schools' right to public funds, but they had given up on ever getting them. Instead, they became advocates of Catholic parochial schools funded by the Catholic community.

Bishop Hughes's resolution of the issue in the 1840s and 1850s set the tone for Catholic education for the next century. Unfair as it was, Hughes argued, the best option available to Catholics was to pay a double tax. First, they had to support public schools with their tax money, schools that they could not in conscience use. And then, with their own funds, it was their duty as good Catholics to develop a system of their own schools that would be funded and controlled by the Catholic faithful. It was the beginning of a spectacularly successful alternative.[35]

The growth of Catholic parochial schools did not happen immediately. There was resistance, and there was a simple shortage of resources. But in New York, the parochial school population doubled in a decade in spite of the ban on public funds. While in 1840 there had been 5,000 students enrolled in the eight parochial schools, by the early 1850s, there were approximately 10,000 students in twenty-eight parochial schools out of an estimated Catholic school-age population of 20,000.[36]

While there had been Catholics and Catholic schools in New York for almost 200 years before the school conflict of the 1840s, there were few, if any residents, let alone schoolchildren, in what became Chicago in those years. Chicago was chartered as a city only in the early 1800s. In 1833, the city's small Catholic population, numbering around 100, petitioned the Bishop of St. Louis to send them a priest. A decade later one parish had grown to a diocese. By the death of the first bishop in 1848, Chicago had three parish schools in operation. By the early 1850s, a handful of schools had 900 students. By 1870, fifteen schools served 10,000 students within the city of Chicago.[37]

Throughout the United States, the same pattern developed in many other urban areas, the primary home to the continuing massive immigration of Roman Catholics from Ireland, Germany, and elsewhere. In Cincinnati, in the aftermath of the "Cincinnati Bible Wars" of the 1860s, Bishop Purcell and his successors simply built their own school system. By the time Bishop Purcell died

in 1883, there were 20,000 children enrolled in Catholic parochial schools, almost double the number of 1869.

There were also exceptions. Boston, long considered one of the nation's most Catholic cities, and scene of some of the most violent Protestant-Catholic tensions, moved much more slowly to found Catholic schools. According to James Sanders, historian of Catholic education, there are several reasons for this. Boston's nineteenth-century bishops, Benedict Fenwick (1825–1846), John Fitzpatrick (1846–1866), and John Williams (1866–1907), were all strong accommodationists. Fitzpatrick was himself a graduate of the city's Latin School, and he moved easily within Boston's social elite. All three bishops sought access and advancement in Yankee Boston for themselves and their flocks more than they sought a separationist approach to religion or society. And they saw the public schools as an important means of access.

At the same time, all three bishops and many of their followers battled with the Protestant elite in a different way. They meant to show Protestant Boston that the Catholics were in the city to stay by building some of the grandest churches anywhere. The Mission Church in Roxbury, St. Peter's in Dorchester, and the Catholic cathedral in the South End still tower over their neighbors, including the neighboring Protestant churches. It was not accidental that the spire of St. Francis de Sales Church in Charlestown reached the same height as the same neighborhood's Yankee-built Bunker Hill Monument. And with funds flowing to these massive construction projects, little was left for schools. For all of the nineteenth century, in a city whose school-age population was mostly Catholic after 1850, no more than 10 percent of those children were in parochial schools at any time. Only with the coming of a new bishop in 1907 did that situation begin to change.[38]

On the national scene, American Catholics clearly committed themselves to parochial schools. The nation's Catholic bishops gathered for three major plenary councils during the nineteenth century. Each time, they asserted their commitment to parochial schools in stronger language than the last. In 1852, the First Plenary Council of Baltimore urged Catholics to "encourage the establishment and support of Catholic schools." The 1866 council reaffirmed the commitment to "the establishment and support of Parochial Schools," reminded Catholics that "religious teaching and religious training should form part of every system of school education," and admonished the bishops themselves to "see that schools be established in connection with all the churches of their dioceses." Finally, at the Third and final Plenary Council of Baltimore in 1884, the bishops gave their most definitive statement. The council decreed: "That near every church a parish school, where one does not yet exist, is to be built and maintained in perpetuum . . . [and] [t]hat all Catholic parents are

bound to send their children to the parish school." While exceptions were allowed for unique circumstances, the decree was clear.[39]

As the Jesuit historian Neil McCluskey noted, this commitment to build a separate church-controlled and church-funded school system came at the expense of a meaningful influence on the public schools and on the expansion of Catholic higher education. While there were exceptions on both counts, Catholic creative energy and dollars flowed primarily to the parochial schools. For all the words to the contrary, especially from the advocates of the public schools, this kind of segregation was not designed to build understanding, trust, or unity.

Rethinking the Commitment: Archbishop Ireland and the School Question

For a time in the 1890s, there was an effort within the Catholic hierarchy to rethink the commitment to parochial schools as the approved approach to the spiritual and temporal education of the young. In 1890, the American Catholic Church was rocked by a bitter debate. Whereas most Catholics had been united in the schools questions of the 1850s and 1860s, this was not true in the 1890s. The controversy began when John Ireland, archbishop of St. Paul, Minnesota, gave an address to the National Education Association, which was then dominated by university and school administrators who were overwhelmingly Protestant and deeply protective of the public schools. In his speech, Ireland made a number of surprising comments.

He began with praise for public schools. America was blessed by a system of universal instruction "in which knowledge is to be had for the asking. . . . No tax is more legitimate than that which is levied in order to dispel mental darkness, and build up within the nation's bosom intelligent manhood and womanhood." He challenged the notion that Catholics were opposed to the public schools. "Never was accusation more unfounded." (Some of his fellow bishops quickly expressed surprise on that point!) But he did have a quarrel with the public schools. He had, he said, to defend the system of parochial schools for the time being, "I wish that the need for it did not exist." But Ireland's real concern was that state schools tended "to eliminate religion from the minds and hearts of the youth of the country."[40] He rejected the notion that schools could teach a vague "common Christianity," and he insisted that, "to Catholics, what does not bear on its face the stamp of Catholicity is Protestant in form and in implication."[41]

But Ireland asked Protestants to join with him in responding to what he saw as a greater danger: "What we have to fear is the materialism that does not see beyond the universe a living personal God, and the agnosticism that reduces Him to an unknown perhaps. . . . Let us be on our guard. In our fear least

Protestants gain some advantage over Catholics, or Catholics over Protestants, we play into the hands of unbelievers and secularists." A century later, many religious people—Protestant and Catholic alike—would share the same complaint. In such a context, "brief and hurried lessons of the family fireside and the Sunday school will be of slight avail. At best the time is too short . . ." and besides, how could a child be expected to take seriously a lesson when "the teacher, in whom he confides most trustingly has said nothing."[42]

Ireland called on Protestants and Catholics to find a different solution. He proposed what became known as the Poughkeepsie plan in which the state, city, town simply rented the parochial school building and paid the staff salaries between 9 a.m. and 3 p.m., during which hours the staff addressed only secular subjects. After these hours, with no state subsidy, the same teachers in the same parish building could turn their attention to the teaching of their faith. Protestants could do the same in their own buildings. The plan sounded a lot like the failed Cincinnati plan of 1869, but in 1890, Ireland noted that this plan was in effect not only in Poughkeepsie, New York, but also in Florissant, Missouri; Conewago, Pennsylvania; and parts of New Mexico. And shortly after the speech, he put it into effect in his own diocese in the towns of Faribault and Stillwater.[43]

A storm of controversy immediately broke over Ireland's speech. Bishop Bernard McQuaid of Rochester and Archbishop Michael A. Corrigan of New York along with the so-called German bishops of the Midwest, such as Frederick F. X. Katzer of Green Bay, later archbishop of Milwaukee, attacked him in the press and appealed to Pope Leo XIII for a condemnation of Ireland and the speech. In his letter to the pope, McQuaid agreed with Ireland that "it is the indifferentism with regard to all religious belief we most of all fear," but McQuaid saw Ireland's proposals as a long-term concession, "that entirely surrenders our rights, and that puts our schools on a par with the State schools from which the inculcation of morals based on religious motives is altogether excluded." Besides the danger of yielding far too much control to the state, McQuaid feared that "Associations in schools, especially in State schools, where all classes, Protestants, Jews and infidels, meet promiscuously, present another danger" and could quickly lead to the evil of mixed marriages. For McQuaid American Catholicism existed in two linked institutions, the church and its parish school, for "there is little likelihood that the Gospel reaching and abiding in the hearts of the children except through the instrumentality of the schoolhouse." And so, he urged, all the compromises embodied in Ireland's approach should be soundly rejected.[44]

Ireland, however, had very strong allies. His good friend Cardinal Gibbons had primacy in the American church. In fact, Gibbons had approved the speech in advance, and when Leo XIII asked the cardinal for more informa-

tion, Gibbons in turn asked Ireland, who staunchly defended the speech. "The Church is not established to teach writing and ciphering, but to teach morals and faith." Let others take care of the "writing and ciphering," Ireland insisted. "The true solution, in my judgment, is to make the State-School satisfactory to Catholic consciences, and to use it." Ireland insisted, "I demand positive Catholic dogmatic teaching—rejecting mere moral teaching, rejecting totally the so-called 'common Christianity' theory." He simply wanted to allow Catholics to teach Catholic Christianity but at the same time to receive public funds for the secular part of their school day.[45]

The pope's legate to the United States, Archbishop Francis Satolli, told an audience in St. Paul that, "while holding in veneration and love all the prelates of the American Church, yet he [Leo] has a special esteem and affection for your Archbishop." And when Satolli was asked to settle the school question, he was sufficiently vague so that both sides could claim victory, but he also left little doubt where his and the pope's favor fell. His statement affirmed the right of the state to conduct public schools and to compel attendance when parents made no other provision. He explicitly forbade any priest or bishop from excommunicating parents or children for attending public schools. He allowed, with diplomatic vagueness, for Ireland's arrangements in Faribault and Stillwater schools to continue and in fact said that "it is greatly to be desired and will be a most happy arrangement, if the bishop agree with the civil authorities, or with the members of the school board, to conduct the school with mutual attention and due consideration for their respective rights." He demanded highly qualified teachers in all Catholic schools. And he added a number of new options, including release time for Catholic children during school hours to learn their catechism, or classes outside of the school buildings at special times for teaching Christian doctrine. He called on all pastors to give equal attention to the education of all the children of their parish, whether those children attend the parish school, the public school, or were taught in other arrangements.[46]

If one considers only the documents of the case, Ireland's proposal seems to have won hands down. With the endorsements of Cardinal Gibbons, Archbishop Satolli, and Pope Leo XIII, what more could he want? The American press, still overwhelmingly in Protestant hands, endorsed Ireland and condemned his opponents. But, it was not to be.

After 1892, almost nothing is heard of Ireland's proposals. For one thing, nativist and hostile Protestantism was still far too alive and well for many local school boards, except those with a sizable Catholic voting bloc, to agree to the proposals. There might be isolated experiments, but they were not likely to be embraced in a country in which Protestants still outnumbered Catholics 5 to 1 and in many places had no interest in supporting Catholic schools in any form. At the same time, the bishops who disagreed with Ireland were in the majority.

And while some fought angrily and publicly with him, many others kept silent but carried on with their tasks of building their own school system.

Perhaps the epitaph for Ireland's vision was written not in McQuaid's urgent appeal to the pope but in dozens of dioceses such as Chicago. In that city, and in many others, the momentum was in the hands of leaders such as Archbishop Patrick A. Feehan, who had helped to draft the decrees of the Council of Baltimore in 1884. As James Sanders has described the situation, in Chicago "Feehan characteristically took no part in a controversy over the possible phasing out of parochial education that agitated the Church nationally during the 1890's, apparently preferring to express his position simply by building schools." And that he did with a vengeance. In 1890, Chicago had sixty-two parish schools, out of eighty-one parishes, with an enrollment of 31,000. And the numbers kept growing.[47]

For over a century, Catholic parochial schools continued to grow as the dominant form of Catholic education. McCluskey reports that in 1900 there were 854,523 pupils in Catholic schools, by 1920 there were 1.8 million, and in 1963 there were 5.5 million or 14 percent of the total school age population. By the early 1960s, approximately 60 percent of the Catholic elementary and 30 percent of the Catholic secondary population were in Catholic parochial schools.[48]

The second half of the twentieth century has seen a dramatic decline in Catholic school enrollments, and higher levels of support for the Catholic public school students in Sunday schools and catechism classes often known as CCD classes, in large part because of the increased cost of maintaining parochial schools especially as fewer and fewer nuns, who took a vow of poverty, were available as teachers. Nevertheless, the great divide established 150 years ago in which the choices for Catholics were a Catholic education at private expense in a segregated parochial school or attendance at an increasingly secular public school with religious instruction and formation squeezed in around the edges still exists. In recent years, since 1990, there have been challenges to the absolute prohibition of the use of public funds to support Catholic or other religious schools. What was considered a settled matter—that for Catholics there was no choice but to pay taxes and then support separate schools—is under consideration in the post-2000 era in a way it was not in the century and a half between 1850 and 2000. We will consider those new developments in due course.

Church and School in Slave and Free Communities, 1802–1902

In 1935 W. E. B. Du Bois wrote, "Public education for all at public expense was, in the South, a Negro idea."[1] Most of the literature about the development of public schools for white students in the United States prior to the Civil War focuses almost exclusively on the Northeast and Midwest or West. Public schools did not flourish in the South before the war for white or black students. Class divisions among whites and the great divide of black and white, slave and free, meant that the notion of a common schooling for all simply did not find fertile soil in the antebellum American South. There certainly were schools throughout the South, just not as many or as well organized. Many plantation owners educated their own children with private tutors or by sending them North to study. They tended to be hostile to any tax to support schools for other children, white or black. Poor whites in the South were often given a very limited education, and as we will see, after the 1830s, education, always limited, became illegal for the black community. Du Bois is right: it was in the years immediately after the Civil War that public schooling took off in the South under the leadership of newly freed slaves and their white allies and philanthropists.

Prior to the Civil War, African American communities, both slave and free, nourished literacy and education. For slaves, this was often done in secret. With emancipation, these hidden springs quickly welled up into a powerful

commitment to schooling. And as most histories of the African American experience in the United States note, this movement was one of many that had strong roots in the black church. Thus, for African Americans, the link of religion and education are strong whether one looks at public education or at private, often hidden, schooling.

Literacy in the Time of Slavery: Forbidden and Precious

African American schools have, in fact, existed in the United States as long as any other kind. A survey of schools in New York City when the Common Council sought to distribute the city's portion of the state school fund reported six charity schools, including the African Free School with an enrollment of fifty-one students, a figure only slightly below the citywide average of seventy-one students per charity school.[2] As early as 1787, parents in Boston's free African American community petitioned the state legislature for a school because they received "no benefit from the free schools" of the city. Massachusetts was the first state in the union to abolish slavery in 1783, but freedom did not mean equality. Boston's free black community was small—766 out of a total population of 18,038 in the first census of 1790—but that community sought schooling for their children. Some early records indicate that African American students attended both the public schools and private schools in Boston, but the petition of 1787 is the first sign of a long-term dissatisfaction with schools in which a white child was punished by being forced to sit in the "nigger-seat."[3]

In the 1790s, Boston's African American community initiated a drive for its own separate schools. The selectmen denied the request, not because they were opposed to segregation but because they feared petitions for the "privilege" of separate schools by French, Scots-Irish, and German parents. The petition was repeated in 1800 by sixty-six African Americans; the idea received strong support from some prominent white Bostonians but was defeated in the School Committee. Finally, in 1802, a private African school was founded in the home of Primus Hall, and in 1806, a permanent school for African American children opened in the basement of the African Meeting House on Beacon Hill, then the heart of Boston's black community. Over the next few years, the school received private support from blacks and whites and eventually support from the School Committee, becoming in time a de facto public school under the committee's supervision.[4]

Throughout the North, the small community of free blacks consistently turned to the one institution under their control—the church—to support their educational efforts. Whether informal Sunday schools or publicly funded charity schools, schools for the African American community often met in church

basements and always with the support of the religious leaders of those churches. In the early years of the nineteenth century, they were not acting particularly differently from others for whom the distinction between religious and secular, public and private institutions was a vague and changing one. Unlike many of the church-based schools of the early decades of the nineteenth century, which were missionary or "charity" schools for "other people's children," in the African American community, church-based schools were run by and for the community.

In many cities throughout the United States, Sunday schools served as the primary educational institution for black children and adults. Sunday schools for white working-class youth began in England in the 1700s and quickly spread to the United States. Unlike their twentieth-century counterparts, Sunday schools of the 1700s and1800s were not specifically religious, though they often included religious lessons, but rather taught a diverse curriculum centered on literacy to people, young and old, who could not attend school the rest of the week because of jobs. Thus, Booker T. Washington remembered from his own early education, "the principal book studied in the Sunday school was the spelling book."[5] In New York, where there were limited public school options for children of color, blacks still constituted 25 percent of the Sunday school pupils in the city by 1817. In Philadelphia, approximately two-thirds of the Philadelphia Sunday and Adult School Union students were black. Even Southern cities, including Charleston, Nashville, and St. Louis, also reported large black Sunday school attendance in the early 1800s.

In Baltimore and Washington, DC, when white parents objected to their churches offering even separate classes for free blacks, black churches picked up the slack. Baltimore's African Methodist Episcopal Church became a well-known educational center for free blacks of that city. In Elizabeth, New Jersey, the formation of an African church in 1838 lead to a mass transfer of black Sunday school students from the white Presbyterian church school to their own institution.

Although in most parts of the United States, free blacks enjoyed some level of schooling, often in a church-based Sunday school, the situation for enslaved blacks was much more difficult. Early in the development of American slavery, there were debates within the white community about the desirability of encouraging Christianity among slaves. Some argued that once an African converted to Christianity he or she should be freed. Others argued that slaves were not human at all and therefore were not capable of conversion or salvation. Henry "Box" Brown, born a slave in Virginia in 1816, and known as "Box" because he literally had himself shipped from the South to freedom in a box, remembered one slaveholder who told his slaves that "Negroes have nothing

to do with God." But most Southern colonies, long before they were states, took legal action to clarify the matter.[6]

In 1711, the South Carolina legislature approved the following law:

> Since charity and the Christian religion which we profess obliges us to wish well to the souls of all men, and that religion may not be made a pretence to alter any man's property and right . . . Be it therefor enacted . . . that it shall be, and is hereby declared lawful for any Negroe or Indian slave, or any other slave or slaves whatsoever, to receive and profess the Christian faith, and be thereunto baptized. But that notwithstanding such slave or slaves shall receive and profess the Christian religion, and be baptized, he or they shall not thereby be manumitted or set free.[7]

In time, especially after the planter class convinced themselves that conversion did not demand emancipation, most slaveholders came to believe that conversion to Christianity would have a positive effect on their slaves. Of course, the kind of Christianity to which the slaves were to convert was predictable. According to the planters, religion offered salvation in the next life based on perfect obedience in this one. Thus, William Meade, Episcopal bishop of Virginia, told slaves: "Take care that you do not fret, or murmur, or grumble at your condition, for this will not only make your life uneasy, but it will greatly offend Almighty God." St. Paul's line, "Slaves, be obedient to those who are your earthly masters" (Ephesians 6:5) may have been the single most popular text in white sermons preached to slaves.[8]

Similar debates took place about the proper education for enslaved Africans. In the 1700s, many reformers argued that a literate slave was a "more valuable slave" because literate slaves could do more complex work on docks, in small factories, or on plantations than could illiterate slaves. And if preachers like Bishop Meade wanted slaves to hear the commandment to be obedient to their masters, how much better if they could read it? At no time did more than a small fraction of slaves ever learn to read or write, but it was sometimes encouraged and seldom forbidden in the 1700s. All that changed in the 1800s.

Historians have documented more than 200 slave revolts in the United States in the sixty years before the Civil War. Some were limited to a single plantation; others were much larger. Gabriel Prosser led more than 1,000 slaves in planning an attack on Richmond, Virginia, in 1800. In 1822, Denmark Vesey and supporters planned to burn Charleston, South Carolina, and kill the white residents. And in 1831, Nat Turner led a revolt that killed more than sixty slave owners before Turner and 100 of his followers were killed or executed after capture. Most of the leaders of these revolts had a similar background to Turner who was both literate and religious. Turner believed that "I was ordained for some great purpose" and that purpose involved freedom for

his people. Turner might have been taught to read the Bible so he could read "slaves be obedient to your masters," but once he was literate, he could also read the book of Exodus and the story of Moses leading his people from slavery to freedom. As slave revolt leaders talked of wanting to be a latter-day Moses, slave states reacted not only with new slave patrols but also, between 1800 and 1835, with laws providing an across-the-board ban on teaching slaves to read and write. Those in authority believed that literacy in a slave was a recipe for revolt. They wanted none of it.[9]

White-run schools for free and enslaved blacks declined by the 1830s but especially those for slaves. If earlier revolts had not made an impact, Turner's literacy and familiarity with the Bible sparked fear in the hearts of many whites, most especially slave owners, who made sure that any teaching of literacy was banned.[10] Still, growing fear and prejudice did not mean the end of literacy education for blacks though it often meant that this education had to operate in secret.

In spite of the hysteria sparked by slave revolts, there were some whites, especially in Border States, who provided slaves with literacy as well as religious instruction. Thus, John Mason Peck, the well-known Baptist missionary, reported in 1825, "I am happy to find among the slave holders in Missouri a growing disposition to have blacks educated, and to patronize Sunday-schools for the purpose."

One of the most prominent advocates of education for slaves was the white Presbyterian minister Charles Colcock Jones who lived in the Deep South. Jones, the son of a plantation owner, was born on the plantation in Liberty County, Georgia, in 1804 and grew up seeing slavery firsthand on the family plantation. Deciding on a career as a minister, the young Jones studied at Andover and Princeton Theological seminaries and while there developed grave reservations about the morality of slave owning. He resolved the issue by advocating for the better treatment and education of slaves while also becoming a defender of the institution of slavery and, indeed, remaining a slaveholder himself.

As pastor of the First Presbyterian Church of Savannah, Georgia, then as professor at Columbia Theological Seminary, and finally as corresponding secretary of the Presbyterian Board of Domestic Missions, Jones spent most of his professional life focused on fostering religious conversion and education among enslaved African Americans. He developed curriculum materials, taught classes, and argued with many slave owners about the need for education. Even after most Southern states passed laws making it illegal to teach slaves to read and write, Jones argued against the laws and for more education. In 1842, he wrote *The Religious Instruction of the Negroes in the United States*. While Jones's advocacy of literacy for slaves brought him into conflict with Southern leaders, his

sometimes-labored defense of slavery protected him while making it hard for most antislavery leaders, black or white, to trust him.[11]

There were others. One white woman ran a Sunday school for slaves on her Louisiana plantation in 1840. She reported that her efforts were "at that time not a very popular thing to do," but the school "was always well attended." And a Presbyterian visitor reported in the New York *Observer* that in one Southern city, which he would not name, there were eight Sunday schools for slaves, and "in all of these schools the scholars are taught to read." Most important, and most difficult to document, slaves also ran their own Sunday schools just as they did their own preaching. Frederick Douglass taught Sunday school in Baltimore, and later he conducted a school for slaves on a rural Maryland plantation where he taught the Bible and literacy to "twenty or thirty young men." These underground Sunday schools did not report statistics to the American Sunday School Union, but they provide a powerful example of the thirst for literacy among African Americans reported by all observers in the years immediately after the Civil War.[12]

For slaves, the important church-state divide did not have to do with the teaching of religion in the schools. The primary role of the state for African American slaves was as the maintainer of slavery. As historians John Hope Franklin and Alfred A. Moss have written: "The regulatory statues were frankly repressive, and whites made no apologies for them. The laws represented merely the reduction to legal phraseology of the philosophy of the South with regard to the institution of slavery. Slaves had no standing in the courts: they could not be a party to a law suit; they could not offer testimony, except against another slave or a free black; and their irresponsibility meant that their oaths were not binding. Thus, they could make no contracts."[13] Punishment, from whipping to branding, imprisonment, or death, could be in the hands of the courts but more often was in the hands of the individual slave master. Slaves had no recourse to higher authority.

There are many examples of slaves who resisted the laws against literacy and risked their lives to teach and to learn. After the end of slavery, Thomas H. Jones told the story of being a young slave in mid-nineteenth-century North Carolina who learned how to read while hiding in the back of his master's store and endured a brutal whipping for his efforts. The story of the slave Scipio who was put to death for teaching his grandson Jamie to read and spell from the Bible was the most famous only because the grandson attained the freedom to tell the story of his grandfather's death and his own beating to make him "forget what he had learned."[14]

In this context, forbidden literacy became precious indeed. For those who achieved it, literacy meant a powerful link to freedom. And many shared the

opinion of one ex-slave who said after emancipation, "There is one sin that slavery committed against me, which I will never forgive. It robbed me of my education." So James Anderson wrote: "Blacks emerged from slavery with a strong belief in the desirability of learning to read and write. This belief was expressed in the pride with which they talked of other ex-slaves who learned to read or write in slavery and in the esteem in which they held literate blacks." For all of the increasingly stringent slave codes, some slaves did become literate. Some, like Douglass, were taught by compassionate white masters. Some were taught in white-run quasi-legal schools and Sunday schools. In every slave state, a few whites risked punishment to run schools—more or less formal—for slaves. And for many, slave-controlled religious communities were not just a source of succor in hard times but often the only source of instruction. In this role, the church took on a powerful link to liberation, whatever its initial intentions.[15]

In *Deep Like the Rivers*, Thomas Webber makes the important distinction between slave "religious instruction" as it was conducted by whites and "true Christianity" as it was defined by slaves in opposition to "slaveholding priestcraft." As he notes, "Quarter people [slave residents of the slave quarter community] made a distinction between the word of God and the words preached by white masters or their ministers." It is an important distinction. Whites taught religion to slaves with one set of goals and theological ideas. Slaves learned religion with very different goals and ideas. So William Craft spoke for many ex-slaves when he said that the conduct of whites gave him a "thorough hatred, not for true Christianity, but for slave-holding piety." Another former slave, James Simler, remembered a white preacher who "used to tell us not to be disorderly on taking the sacrament [but] I thought he was disorderly himself, for he kept slaves." And Frederick Douglass said: "Without appeals to books, to laws, or to authorities of any kind, I knew to regard God as 'Our Father' condemned slavery as a crime."[16]

Early in the nineteenth century, there were many efforts to teach slaves to read the Bible as well as simply listen to devotional sermons. As has been noted, however, as the century wore on, fears of Bible reading, of any literacy, and of any black worship not under white supervision grew. Franklin and Moss have described this ambivalent white attitude toward religious knowledge well:

> When the abolitionists began their crusade against slavery, planters became more cautious regarding religious activities among slaves and undertook to control them more effectively. In most states black preachers were outlawed between 1830 and 1835, and thereafter slave religious services were presided over by a white person. More and more, however, slaves were required to attend the churches of their masters. This ambivalent attitude toward autonomous religious activity

> reflected whites' fears that it would be difficult, if not impossible, to control and monitor the beliefs and practices of slaves who were devout Christians. Such fears proved accurate, for many of the most pious and influential slaves had a keen understanding of the difference between the gospel of proslavery preachers and the Christian scriptures' message of divine punishment for oppressors and liberation for the faithful. [There were] numerous ways in which slaves blended their African religious culture with selected aspects of Christianity to produce a sustaining, and at times defiant, religious community—"the invisible institution in the ante-bellum South."

As with so many educational enterprises, what was taught and what was learned were two different things.[17]

What whites wanted preached to blacks and what black slaves actually heard diverged not only when slave audiences attended white-sanctioned worship. In reviewing the oral histories of many ex-slaves, Thomas Webber has concluded that "despite the fact that many slaves who lived on large plantations were forced to attend church services organized and supervised by whites, nearly all quarter communities organized their own clandestine congregation without the sanction or participation of plantation authorities." These secret religious meetings, usually held at night, formed the heart of African American Christianity in the slave communities. There, slaves could testify to their own faith, build their own theological views of the world, support one another, and gain temporary emotional release. There also they could speak of the truth regarding the deep yearning for freedom. Litt Young remembered her plantation near Vicksburg, Mississippi, where there was "a nice church with glass windows and a brass cupola for the blacks." The black preacher, however, had two different messages, depending on who was listening. If the mistress was near, "she had him preach how we was to obey our master and missy if we want to go to heaven, but when she wasn't there, he come out with straight preachin' from the Bible." And the straight message was of freedom. And, indeed, literacy, which many saw as the key to freedom, might be gained at some of these secret meetings for worship and learning.[18]

In congregations controlled by slaves, freedom, faith, and literacy were always linked. John Caddie, a University of Louisiana professor who interviewed many former slaves, reflected: "If there chanced to be among the slaves a man of their own race who could read and write, he generally preached and would at times and places unknown to the master, call his fellow slaves together and hold religious services with them. It was to such leaders as these that slaves owed much of their religious instruction." Many of those slaves who learned to read and write owed their literacy to these services.[19]

Emancipation, Literacy, and Schooling

It was out of this crucible of the hidden institution of the black-controlled church, and a tradition of literacy that Southern blacks, newly freed by the war, began to build schools. As James Anderson reported, even before the first Reconstruction governments were set up or the first black elected officials began to develop Southern schools, Northern visitors to the South discovered an amazing love of learning among newly free people who wanted to learn more as quickly as they could. The abolitionist Harriet Beecher Stowe reported, "They rushed not to the grog-shop but to the schoolroom—they cried for the spelling-book as bread and pleaded for teachers as a necessity of life." And Booker T. Washington remembered in the immediate aftermath of emancipation, "Few people who were not right in the midst of the scenes can form any exact idea of the intense desire which the people of my race showed for education. It was a whole race trying to go to school. Few were too young, and none too old, to make the attempt to learn."[20]

The second thing that amazed Northern observers, whether officials of the army and the Freedmen's Bureau, or missionaries from Northern white churches, was that the newly freed slaves began their schools even before the first teachers had arrived. The clandestine institutions had produced enough literate people that those who had learned in secret could now begin to teach others more openly. Indeed, the formerly hidden black-controlled congregations could now emerge into the light of day with their full range of religious and educational activities. For example, Zion School in Charleston, South Carolina, began operation in December 1865 with an entirely black administration and teaching staff. A year later it had thirteen teachers, an enrollment of 850 students, and an average daily attendance of 720 students.[21]

Many of the missionaries were surprised when they first entered the more remote areas of the South, prepared to begin the process of opening schools and educating illiterates. Instead, they found schools were well under way without any white help. John W. Alvord, national superintendent of schools for the Freedmen's Bureau and a perceptive observer, reported in the early years of his administration that he found "native schools . . . throughout the entire South," in places that had not yet been visited by any government official or missionary. Alvord and the more open-minded of the missionaries discovered that while Northern white help was needed and welcomed, control was not. This is not to say that literacy rates were very high; general estimates are that not more than 5 percent of ex-slaves were literate at the time of emancipation. But as William Channing Gannett of the American Missionary Association wrote, "What they desire is assistance without control." The literacy of the late-night

clandestine meeting or the secret instruction of a friendly teacher was too hard won to be surrendered to the control of others.[22]

Most of the African American leaders, political and religious, of the Reconstruction South had learned to read and write illegally. Frederick Douglass; churchmen such as Bishops Henry M. Turner, Isaac Land, and Lucius H. Holsey; Louisiana's lieutenant governor, P. B. S. Pinchback; and many other nineteenth-century Southern black leaders had begun their literacy training in secret before the war. Anderson says, "They viewed literacy and formal education as means to liberation and freedom." The purpose of the school reinforced a set of beliefs about the nature of freedom and the social good. For the generation of black leaders immediately after the Civil War, even for those who had been taught to read by friendly whites, and even more for those who had been taught by fellow slaves or free blacks, literacy always came at great risk and often at a great price. It was said of Enoch Golden, who had taught many fellow slaves to read, that "On his dyin' bed he said he been de death o' many a nigger 'cause he taught so many to read and write." Thus, Anderson concludes that compared to others, "emancipation extruded an ex-slave class with a fundamentally different consciousness of literacy, a class that viewed reading and writing as a contradiction of oppression." This group strongly identified literacy and liberation with the church and illiteracy and oppression with the state.[23]

During the all-too-brief era of Reconstruction, which began in different Southern states with the Union victories of 1863 to 1865 and ended in the slow and painful defeat of black freedom in the 1870s and 1880s, the state—in the form of federal troops and later federally protected Reconstruction governments—took on a very different role in relationship to the nation's African American community than it had at any time before. After 200 years of state support for slavery, with most schooling and nearly all talk of freedom carried on underground, suddenly the federal government was the guarantor of freedom, and state governments actually were in the hands of freed blacks and their white allies. It was a dramatic change indeed. And it was during the years between the Emancipation Proclamation and the end of Reconstruction that Du Bois's statement, cited at the beginning of the chapter, came true. Public schooling was established in the Southern states under the leadership of free black leaders.

John Roy Lynch, who was born a slave and elected as a Republican to the Mississippi legislature in 1869, wrote in his autobiography about the work of establishing schools. Lynch said: "In addition to this, a new public school system had to be organized and established. There was not a public school building anywhere in the state except in a few of the larger towns, and they, with possibly a few exceptions, were greatly in need of repair. To erect the necessary school-houses and to reconstruct and repair those already in existence so as to

afford educational facilities for both races was by no means an easy task . . . but it was done creditably and as economically as circumstances and conditions at the time made possible."[24]

While the end of slavery dramatically changed the relationship of the state to African Americans, James Anderson's work, like Lynch's report of his time in the legislature, shows that it changed far less in terms of African American views of education. The arrival of Union troops and the subsequent development of Reconstruction governments in the Southern states unleashed a movement already firmly established in the minds of the people: "Before northern benevolent societies entered the South, before President Abraham Lincoln issued the Emancipation Proclamation in 1863, and before Congress created the Bureau of Refugees, Freedmen and Abandoned Lands (Freedmen's Bureau) in 1863, slaves and free persons of color had already begun to make plans for the systematic instruction of their illiterates." John Alvord was one of many to observe the emergence of these schools throughout the South and to note their roots in passions and hidden institutions begun in slavery. Anderson reports:

> In July 1864, for instance, the black New Orleans Union commemorated the founding of the Pioneer School of Freedom, established in New Orleans in 1860, "in the midst of danger and darkness." Some schools predated the Civil War period and simply increased their activities after the war started. A black school in Savannah, Georgia, had existed unknown to the slave regime from 1833 to 1865. Its teacher, a black woman by the name of Deveaux, quickly expanded her literacy campaign during and following the war. It was this type of "self-sustaining" behavior that produced the native schools [Superintendent] Alvord observed throughout the South in 1866.[25]

Recent historical scholarship has shown that there was far more continuity in approaches to schooling before, during, and after the Civil War than previous generations had thought possible.

Beginning with the first Union victories in 1861, a new and positive link developed between previously underground African American educational activities and the government. Anderson makes the convincing case that the Freedman's Bureau and the various Northern missionary groups, such as the white Congregational American Missionary Association, augmented what was already in place while too often claiming all of the credit. However, the enterprise of establishing schools was vast, and most recognized the need for united efforts on the part of everyone who wanted to expand literacy among the newly freed.

Whether one focuses on the role of federal government agents of the Freedman's Bureau, white Northern missionaries of the American Missionary Association, or emerging black-controlled schools, the links among religion, the black church, and education remained strong. Not surprisingly, the Northern

missionaries mixed Protestant Christianity with their lessons in reading and writing, as they had been doing for thirty years or more in the schools of New England and elsewhere.

The link between religion and the new school ventures was even stronger in many black-controlled schools. In 1865, when black leaders started the Georgia Educational Association, forerunner of public schooling in that state, they described their venture primarily in secular terms. In other parts of the South, the link to churches was more obvious. In many places, black church-based Sabbath schools offered the first instruction to newly freed ex-slaves. Anderson noted, "These church-sponsored schools, operated mainly in evenings and on weekends, provided basic literacy instruction." Alvord complimented them on their success in gathering groups of students "upon the Sabbath day, sometimes of many hundreds, dressed in clean Sunday garments, with eyes sparkling, intent upon elementary and Christian instruction." Another Freedmen's Bureau operative reported on the education in Kentucky in 1867: "The places of worship owned by the colored people are almost the only available school houses in the State." As had happened among whites when schools were founded in the North, so with blacks in the postbellum South—the separation of secular and religious authority or instruction was almost impossible to make. This heritage would have powerful consequences in the difficult days after Reconstruction ended.[26]

In the optimistic days immediately after the war, Southern blacks and Northern whites moved quickly to establish statewide systems of public education based on Northern models. In 1867, Congress passed the Military Reconstruction Acts calling for constitutional conventions in each of the states of the former Confederacy in which blacks and whites were to draft new state constitutions. Three years later, by 1870, every Southern state had a constitution with specific provisions for a statewide public school system financed by state funds. The transition to laws in favor of public schools in Southern states took place with amazing speed. Even after the return to white rule in the 1870s, these provisions remained in the constitutions.[27]

When the earliest Northern philanthropists and the recently freed blacks and their allies in state legislatures started out to create schools and school systems where none had existed, their model was clear. They wanted schools such as existed—or they thought ought to exist—in the North. An 1870 publication of the American Freedmans Union Commission—a merger of several separate church-based organizations for the support of African American education, began with a description of what the organization meant by education. The pamphlet *Education and Religion* began: "We desire to present for the consideration of the public, and especially of Christian philanthropists, the

question: What method will best promote the cause of popular education and pure religion in the South? The necessity of both is almost universally recognized. Neither can take the place of the other. Education unsanctified by religion issues in infidelity and anarchy. Religion unenlightened by education begets superstition and despotism. The school-house without the church produces China; the church without the school-house, Italy; the church and the school-house, Republican America."

And in case anyone should miss the point, the authors continued to explain that the kind of education they meant left the peculiarities of each denomination to the individual churches, while "the whole community unites in a common effort for the education of the masses, not only in secular knowledge, but in those precepts of morality and teachings of the Christian religion in which all agree. This system gives the common school. It is the almost universal system of Protestant Republicanism."

Having set this stage, the authors of the pamphlet—some of the most prominent leaders of different New England denominations—shifted to the immediate issue at hand. "When Emancipation first rendered dependent upon us so many helpless sufferers, " they wrote, "all Christians made haste to their assistance, and ecclesiastical societies vied with unsectarian associations in the work of physical relief and secular education." In time, these societies had merged into the American Freedmans Union Commission, which was "one national and unsectarian organization for the establishment in the Southern States of that common school system which is the glory and the safety of our country." They wanted to recruit "only teachers possessing the spirit of true religion," and "the establishment of common schools open to all classes in all the Southern States . . . without distinction of sect, caste, or color."[28]

One of the greatest debates of the Reconstruction era had to do with the racial makeup of the Southern schools. Radical Republicans ensured that Louisiana and South Carolina included provisions in their 1868 state constitutions for integrated schooling in which all public schools would be open to all children without regard to race. Most of the rest of the Southern states, as they adopted new constitutions between 1868 and 1870, called for equality in schooling but did not specifically mention integration. The largest Northern white benevolent societies, especially the Peabody Fund led by its agent, Barnas Sears—Horace Mann's successor in Massachusetts—fought for "separate but equal" schools. (Actually, Sears did not quite support equality; the Peabody Fund gave one-third less money to black schools because it "cost less to maintain schools for the colored children than the white.") In describing his support for segregation, Sears remarked, "We ourselves raise no questions about mixed schools. We simply take the fact that the white children do not generally attend them, without

passing any judgment on the propriety or impropriety of their course." In light of his position, Sears also successfully argued against inclusion of school integration in the Civil Rights Act of 1875.

Other white moderates supported Sears. Among them was William Henry Ruffner, the first superintendent of public instruction in Virginia, who did much to create a state system of education there, but who also argued that "the social repugnance between the races has not been obliterated anywhere" and therefore insistence on integration would undo the progress being made in creating schools. Thus, Northern and Southern white reformers joined hands in laying the foundations for segregation and inequality in schooling well before the end of Reconstruction in the 1870s and 1880s or the Supreme Court's ruling in *Plessy v. Ferguson* in 1892.[29]

Of course, the battle about universal education was not just between proponents of integrated and segregated schools. Many in the old planter class and its allies did not want schooling for blacks in any form. The belief that "learning will spoil the nigger for work" did not die with the end of slavery.[30] White Southern clergy argued that education was a private matter belonging to families and churches. A Baptist minister wrote that the idea of public schools was "foreign to free institutions and fatal to liberty." Robert Lewis Dabney, a white Presbyterian minister, saw public schools as an unrighteous system "wrung by a grinding taxation from an oppressed people" and a "quixotic project . . . the cunning cheat of Yankee statecraft." Such voices spoke for a widespread white Southern fear not only of integration but also of black education in any form.[31]

After Reconstruction

The white planter class's return to power began soon after the end of the Civil War with a combination of political maneuvering and extralegal violence. It was helped along significantly when the last of the Union troops were withdrawn in exchange for Southern support for the election of Republican Rutherford B. Hayes as president in 1876. The process was completed with the new Mississippi state constitution of 1890, which was quickly adopted as a model in other Southern states and effectively disenfranchised most blacks, putting the future of recently established schools in doubt. Black school defenders were firmly excluded from power—indeed, from any voice in the affairs of their states. The planter class did not abolish the public schools; it simply radically underfunded them, both white and black. White populists began to challenge the white elite in the 1880s and 1890s. Around the turn of the century, they were joined by middle-class Southern reformers, which resulted in a moderate expansion of public support for white schools in the South early in the twentieth century. Nevertheless, for the last two decades of the nineteenth century and for most of the first half of the twentieth century, Southern states lagged far behind the

rest of the nation in support for public schools. And the separate—and very unequal—school systems for white and black continued, only slowly and partially dismantled after the Supreme Court's reversal of *Plessy v. Ferguson* in the *Brown v. Board of Education* decision of 1954. Only with the civil rights movement in the 1950s and 1960s and the emergence of a new generation of Southern leaders, black and white, in the last third of the twentieth century did Southern support for education come to resemble that in the rest of the nation.[32]

With political power firmly in white hands after 1890, with increasingly racist attitudes reinforced in state and national legislation, and with the emergence of new terrorist extralegal organizations, such as the Ku Klux Klan, the relationship of Southern African Americans to the state returned in many ways to that of the antebellum era. However, their relationship to the church was quite different. In the black church, now able to operate much more aboveground than during slavery, blacks had an institution under their own control. The new African American Baptist and Methodist associations; the National Baptist Convention; and the African Methodist Episcopal, African Methodist Episcopal Zion, and Colored Methodist Episcopal (now Christian Methodist Episcopal) churches took on a crucial role in all aspects of black community life, nowhere more than in the education of children.

Church-based education took many forms. The Sabbath schools continued to be important, as they had in an earlier era. For many who were forced to work long hours, now as sharecroppers or in emerging industries, schooling on Sunday provided the route to literacy and religious education. The African Methodist Episcopal (AME) Church reported 40,000 students in its Sabbath schools in 1868. By 1885, the AME Church reported "200,000 children in Sunday Schools" that offered "intellectual and moral" instruction. Literacy and religion, the Bible, and the spelling book, thus were firmly linked in these critical educational institutions.[33]

Studying church-based education, Asbury P. Jones, Jr., wrote, "Perhaps the most significant contribution to the development of black schools in the South after the Freedmen's Bureau expired was made by black Baptists."[34] Church-based schools provided the institutional basis for continued black literacy, for the expansion of black religion, for the education of a new black leadership class, and for resistance to the new forms of postbellum oppression. The state-supported public schools offered meager fare indeed. When high schools began to be developed in the South as a result of turn of-the-century reform movements, they were for whites only. As Evelyn Brooks Higginbotham reported, "As late as 1910 no southern black community could claim a single public school offering two years of high school. In some places, such as Augusta, black education fared worse than it had in the early 1880s. It was the existence of private institutions that made black secondary education possible at all."[35] For the most

part, these private institutions were church based, occasionally the result of Northern white missionaries, more often the result of the work of Southern black churches.

Jones's analysis of these schools is right; "much like the church, these black 'private' schools became institutions of resistance to American white supremacy, and allowed for black ideas to flourish and prosper." The evidence for this is not hard to find. Between 1888 and 1907, the black Baptists of Virginia formed twelve secondary schools.[36] In an earlier study of these schools, Lester F. Russell recorded their beginnings:

> Spiller Academy was founded at Hampton in 1891; the Ruffin Academy, at Cauthornsville in 1894; the Northern Neck Industrial Academy, at Ivondale in 1898; the Keysville Mission Industrial Academy, at Keysville in 1898; the Halifax Industrial Institute, at Houston in 1901; the Rappahannock Industrial Academy, at Ozeana in 1902; the Pittsylvania Industrial, Normal, and Collegiate Institute, at Gretna in 1903; the Bowling Green Industrial Academy, at Bowling Green in 1903; the King William Academy, at King William Court House in 1903; the Fredericksburg Normal and Industrial Institute, at Fredericksburg in 1905; and Nansemond Collegiate Institute, at Suffolk in 1905; and the Corey Memorial Institute, at Portsmouth in 1906.

Most of these schools were small, taught in local churches by local pastors, a pattern that developed in most Southern states.[37]

Russell has indicated one of the reasons for the strong support for church-based schooling in the black community: "The impetus on the part of the Black Baptist churches toward education was based on the desire of the leaders to refute the belief generally held that blacks were incapable of the mental development known to whites. Thus, education of the black race was both a test and a challenge to black ministers."[38] But proving black intellectual equality to the white world was only a part of the story. As Anderson and others have convincingly demonstrated, literacy for its own sake was deeply important in the black community. Higginbotham sums up: "There was little doubt in their minds that education stood second only to religion in enabling their survival and salvation in America."[39]

Perhaps the best-remembered educational debates of the post-Reconstruction era are those between Booker T. Washington and W. E. B. Du Bois. In their debates, Washington was the advocate of an education for African Americans focused on vocational education for the trades. He argued that from such a foundation African Americans could build a solid economic base first and then seek social and political equality later. Thus, in 1899, Washington argued against "filling the head with a knowledge of mathematics, the sciences, and literature,"

or the "general and floating knowledge of chemistry, of botany, of zoology, of geology" unless that knowledge was tied to practical and immediate concerns in ways "that will bear upon the present needs and conditions of the race." Du Bois wrote an angry response in 1903 in which he charged, "Mr. Washington represents in Negro thought the old attitude of adjustment and submission . . . and Mr. Washington's programme practically accepts the alleged inferiority of the Negro races." Du Bois wanted something very different—political power, civil rights, and "higher education of Negro youth" as represented in a first-class liberal arts college education.[40] More recent observers have wondered whether both might not be right—that economic, political, and educational progress might best go hand in hand.

Less often noticed than the heat of the debate is that both educational leaders had ambivalent views of the place of religion in general—and the churches and clergy in specific—in the education that they advocated. Washington wanted schools to have a high moral tone and saw religion as essential to that effort. But he distrusted many of the black clergy of the post–Civil War generation to be helpful to his cause. Washington's teacher and mentor, Samuel Chapman Armstrong, the founder of the Hampton Institute of which Washington was the most famous graduate, wrote dismissively of the "old-time" African American religion that hindered the focus on the vocational training both Armstrong and Washington advocated. Thus, Armstrong complained, "There is plenty of religion, such as it is, among both parents and scholars, but it is too often a religion that regards more the emotional parts of the nature than the moral, and so aids little in the work of checking the evil tendencies of these growing lives."

For Armstrong and Washington, what Hampton called "practical morals" was essential, and if the clergy focused on the political and professional, the teachers who graduated from Hampton or Washington's Tuskegee Institute were expected to teach the practical morals of their schools. In a Sunday evening address at his alma mater, Hampton, Washington said: "Don't be ashamed to go to church and Sunday school, to the Young Men's Christian association and the Christian Endeavour Society. Show that education has only deepened your interest in such things. . . . We want to have you see that the religion of Christ is a real and helpful thing; that it is something which you can take with you into your class-rooms."[41] The new generation of teachers emerging from these schools, like their white counterparts of a previous generation in the North, were expected to bring a nondenominational Protestant Christianity to their classrooms but steer clear of overly close attachments to specific churches. These teachers often also jockeyed with the local clergy for who should have the greatest influence in the curriculum of the schools and the education of the

next generation of African Americans, but it was a contest over influence, not over the inclusion or exclusion of religion in the schools that were serving the African American South.[42]

Du Bois is remembered as more secular than Washington, his longtime nemesis. There has tended to be a scholarly consensus that as an adult Du Bois "had little, if any religion," though he was shaped by his childhood in a Protestant church in Massachusetts. In one of his few written statements on the topic, Du Bois wrote in 1933 in *The Crisis*, the journal that he edited that, "when the organized church exercised power, its role is always dangerous." Nevertheless, he also said that "a young Negro ought not to be puzzled by his religious surroundings. He should see in the church an expression of that desire for full and ultimate truth; that desire for goodness and beauty, which is ingrained in every human being." Though Du Bois was a sociologist and an activist who believed that schools should teach and society should be dominated by scientific discourse, he also acknowledged, "that science, organized human knowledge, does not pretend to give us a complete answer to the riddle of the universe." Du Bois was open to faith even as he criticized organized churches, black and white, for being too timid, indeed for failing to honor the "prophetic calling" of justice, and specifically racial justice.[43]

While Du Bois may have left it to later generations to puzzle over how religious or irreligious he was personally, in the educational institutions that he supported, the issue was resolved. While Northern philanthropic organizations funded by the Rockefellers and similar interests supported the Hampton-Tuskegee model, it was the church-based Northern mission societies that supported the colleges of the sort Du Bois favored, colleges that were developed in every state of the former Confederacy. The American Missionary Association (Congregational) supported Fisk, Straight (now Dillard), Talladega, and Tougaloo. The Freedman's Aid Society (Methodist) founded Bennett, Clark, Claflin, Meharry Medical College, Morgan, Philander Smith, Rust, and Wiley, and the American Baptist Home Mission Society sponsored Benedict, Bishop, Morehouse, Shaw, Spelman, and Virginia Union. Finally, the Presbyterian Board of Missions for Freedman backed Biddle (now Johnson C. Smith), Knoxville College, and Stillman. It was not only white denominations that did such work. The African Methodist Episcopal Church supported Allen, Morris Brown, and Wilberforce, along with Paul Quinn, Edward Waters, Kittrell, and Shorter; the African American Methodist Zion denomination sponsored Livingstone, and the Colored Methodist Episcopal Church developed Lane, Paine, Texas, and Miles.

None of these colleges had the financial support they needed. Most were little more than high schools offering secondary classes, normal schoolteacher preparation, and a few college classes. Tensions between white benefactors and

on-the-ground black leaders were always present. Nevertheless, these colleges, founded with a primary aim of preparing black youth to be teachers, offered a significant contrast with the subservience of the Hamptons and Tuskegees. And Du Bois himself praised the missionary philanthropists who were behind these schools as "men radical in their belief in Negro possibility." The black colleges, for all their problems, Du Bois said stood "above the sneers of critics," with "one crushing rejoinder: in a single generation they put thirty thousand black teachers in the South," and "wiped out the illiteracy of the majority of the black people of the land."

The teachers who graduated from these missionary colleges were not only prepared with at least a smattering of the liberal learning that Du Bois favored but with a strong religious commitment that they took into their classrooms. They were educated in a world of the King James Bible, Protestant hymns, and prayers, and these also they brought with them into the public schools that were slowly transforming African American life in the South.[44] Thus, in the hardest of times, in the rigidly segregated South of the 1880s to the 1930s and 1940s religion and education were linked: black-controlled and black-taught schools were embedded within the teachings if not the institutional structures of the black church.

Native American Religion, Christian Missionaries, and Government Schools, 1819–1978

Official policy toward teaching religion in public schools for Native Americans, like official policies toward all aspects of Native American life, can be viewed as either the great exception to or the clearest confirmation of policies for the rest of the nation's inhabitants. From the moment of the first European encounter with the original residents in the Americas, Europeans have been deeply ambivalent about the terms of their interaction with indigenous Americans. In the parts of British North America that became the United States, three distinct attitudes emerged quite early and remained in conflict at least until well into the twentieth century: (1) genocide, the complete removal of American Indians from the continent; (2) conversion to Christianity and all attendant European ways (sometimes accomplished through isolated boarding schools); or (3) recognizing various American Indian tribes as independent nations with which treaties might be made, and which by the nineteenth century meant isolation of native cultures on "protected" reserves where Indian ways could continue more or less safe from the contamination of European greed, culture, and—sometimes—religion.[1]

Policies of isolation, while often popular, seldom worked for long. From the beginning, some white leaders in the United States advocated pushing all Indians from lands east of the Mississippi River while leaving the lands to the west of the river to the various tribes. By the time of the Civil War, however, the

growth of California, Oregon, and Texas, combined with seemingly never-ending white land hunger, accelerated the process of white settlement across the continent. By the 1870s and 1880s, the Great Plains, the vast inland empire that had been left alone in the early days of settlement in Texas and on the Pacific Coast, was being chopped up into farmland and ranch land, leaving less and less reservation land. In 1869, the transcontinental railroad linked the East and West Coasts of the United States, cutting a swath through the heart of the Great Plains and mountains that had been the territory of many western tribes. When in the 1890s the historian Frederick Jackson Turner proclaimed the end of the frontier between white and native settlement, he merely confirmed a change that most Native Americans had experienced over the previous decades. From the 1870s onward, there was a growing national consensus that something had to replace continued warfare and therefore some sort of assimilation of the remaining tribes was needed, however half-hearted and mean-spirited these efforts were.

In the eyes of most of the nation's leaders, assimilating a people as fundamentally different from Europeans as were Native Americans meant that the usual niceties about respect for religious rights had to be abandoned. If Native Americans were to adopt European ways, they argued, then there had to be a concerted effort to get them to give up their religious traditions and adopt some form of European Christianity. Until quite late in the twentieth century, few of those in power seemed to believe that the First Amendment applied to Indian tribal religion or that the freedoms it guaranteed should be applied to the curriculum taught in Indian schools. Indeed, the contrary was true. Indian education was expected not only to westernize but to Christianize Native Americans.

Historian Joel Spring noted the church-state conflict involved. "From the perspective of the late twentieth century, government support of missionaries might be considered a violation of the First Amendment prohibition against government support of religion. [But] in the minds of most white Protestants in the early nineteenth century, it probably appeared logical and correct to use missionary educators to 'civilize' Native Americans, because 'civilizing' included conversion to Christianity."[2] Most architects of the policy believed there were no alternatives.

Of course, very few of the policy makers bothered to consult with those who would be affected. When whites talked of civilizing the Indians, Indians understood the cost. For a Pawnee named Overtakes the Enemy, who moved to the reservation in the 1860s, "to do what they called civilizing us . . . was to destroy us." He continued: "You know they thought that changing us, getting rid of our old ways and language and names would make us like white men. But why should we want to be like them, cheaters and greedy? Why should we

change and abandon the ways that made us men and not the beggars we became."

At about the same time, a Sioux song responded to the white efforts:

"Dakotas
be citizens,"
he said . . .
but
it will be impossible for me
the Dakota ways
Them
I love . . .

But the Sioux and Pawnee ways did not fit with the expanding capitalist culture. President Ulysses S. Grant tried harder than any of his predecessors to build a new Peace Policy with the Indians. Nevertheless, Grant said, "No matter what ought to be the relations between such settlements and the aborigines, the fact is they do not harmonize well, and one or the other has to give way in the end." Grant understood which would give way, and since he also believed that "a system which looks to the extinction of a race is too horrible for a nation to adopt" he became, like many of his predecessors and successors, a firm believer in efforts at civilizing and Christianizing the Indians—and using the school to accomplish the task.[3]

The Missionary Option: John Eliot to Thomas Jefferson

English colonization of the New World, like the earlier English colonization of Scotland and Ireland and the later English colonization in Africa and India, was always done in the name of extending Protestant Christian civilization and bringing Christianity to native populations. While the lust for land and the desire for empire were never far from the surface, the missionary impulse gave a religious justification to the effort and represented the spirit of at least a few participants. Thus, very early in the first English settlement in Virginia in 1617, King James I asked the archbishops of his realm to solicit contributions for "some churches and schools for the education of the children of those barbarians." Two thousand pounds was raised in response and plans made for a college at Henrico, Virginia, which would serve Indian graduates of the tribal schools. Church and school were designed to work together in the enterprise of Christianizing Indians and bringing them fully within the sphere of Protestant English culture and power. The schools and college were never built, in part because the settlers kept diverting the funds to other uses and in part because, by the 1620s, the relationship between the English and Virginia's native peoples had turned from cautious contact to all-out war.[4]

Farther north, in Massachusetts, Governor John Winthrop's deep hostility to Indians was countered by the work of John Eliot, pastor of the church in Roxbury and "Apostle to the Indians." While Winthrop thanked God for "making room" for the English by a visitation of smallpox on the Indians that "hereby cleared our title to this place," Eliot took time to learn some of the local languages and began his preaching in 1646, reporting sadly that his audience "rather despised what I said." Eliot did not give up, however. He formed small communities of "praying Indians," translated the Bible into Algonquian in 1663, and played a crucial role in the creation of the London-based Society for the Propagation of the Gospel, which sent missionary funds to the colonies for the next century. For Eliot, conversion to Christianity could best be supported and sustained by also embracing all of the accoutrements of English life. In 1649, he wrote, "I find it absolutely necessary to carry on civility with religion." The result was the creation of Indian towns, of which Natick was the first, with streets, houses, farm lots, schools, and a meetinghouse. Eliot was thus among the first of a long line of preachers, missionaries, and government officials who believed in saving the Indians by schooling them in European civilization and European religion.[5]

On the island of Martha's Vineyard, the Reverend Thomas Mayhew had greater success in converting the natives to his Puritan faith, translating the scriptures into Wampanoag, and laying the foundations of a continuing community of Christian Indians that continues to meet in the Baptist Church in Gay Head to this day. By 1675, an estimated 2,500 Christian Indians lived in New England, representing 20 percent of the native population.[6]

While its isolation by the sea protected the Gay Head community from open warfare, it did not protect them from European diseases and the overwhelming majority of Indians on Martha's Vineyard died of European diseases. For most of the rest of New England's natives, the impact of disease and war would be even more devastating. As early as 1642, Miantonomo, a Narragansett leader, warned other Indians about the English who, "having gotten our land, they with scythes cut down the grass, and with axes fell the trees; their cows and horses eat the grass, and their hogs spoil our clam banks, and we shall all be starved." Miantonomo called for resistance, "otherwise we shall all be gone shortly." In 1675, after a half-century of peace between the Pilgrim-founded Plymouth Colony and their nearest neighbors the Wampanoag Indians, war broke out. Known as King Philip's War or Metacom's War (using Philip's Wampanoag name), the war took a huge toll on Europeans and Indians. Faced with growing provocation, Metacom believed that the continued England expansion would spell the end of his people and attacked. In terms of the percentage of the population killed, it turned into one of the bloodiest wars in history with perhaps 1,000 of the English and 4,000 Native Americans

killed and another 1,000 Wampanoag sold into slavery. Despite John Eliot's pleas to protect the praying Indians in towns like Natick, most of them were taken into custody on islands in the Boston harbor, where many died. The war of 1675–1676 represented the end of the communities of praying Indians, which Eliot had established. In war, white armies were unwilling to tolerate any Indian settlements almost anywhere in eastern Massachusetts.

In 1676, warfare also erupted in Virginia. While colonial authorities tried to make peace with the tribes on the colony's border, inland communities of farmers distrusted the authorities and simply wanted more land, and in an uprising known as Bacon's Rebellion, they attacked the coastal authorities and all the tribes on Virginia's border. By the time peace was restored, most of the original inhabitants of Virginia were gone. In times of tension, the missionary impulse always seemed to take second place to the ever-expanding white need for land, security, and the defining role in what constituted civilization.[7]

The early conflicts in Virginia and in New England set the tone for the rest of the colonial era. While efforts at assimilation into European culture and European religion continued, they always took second place to pure conquest, which resulted in either the extermination or the expulsion of the native peoples. After Eliot, most of those who argued for assimilation reversed the order, seeking to assimilate the Indians into European ways and then seeing conversion to Christianity as an important means of supporting the cultural shift. Still, the assimilationist approach to the country's indigenous people continued from the first contacts right to the present. For assimilation, no institution was more effective than the school and no ideology more powerful than Christianity. Thus, for Native Americans, religion and education would be linked more clearly and more directly than for any other group of peoples.

With the coming of American independence, few issues were as pressing in the new nation as Indian affairs. Although the treaty with England that recognized American independence gave the nation all of the territory to the Mississippi River, the reality was that west of the Allegheny Mountains, Indian tribes were more powerful than the US army. Immediately after his inauguration as the nation's first president, George Washington and his secretary of war, Henry Knox, strengthened the US army and eventually defeated the tribes of the Ohio Territory in 1795 though the army continued to do battle in the region west of Georgia and the Carolinas for another twenty years. But war was not the only way the US government sought to strengthen its hand and open land to white settlement.

In 1791, Washington sought congressional support for efforts aimed at offering the "blessings of civilization" to the Indians. The resulting acts provided for federal support for agents assigned to teach agriculture and domestic arts,

establish factories and trading houses, and generally introduce the Indians to what the government considered civilization. They wanted the Indians to adopt the model of the nuclear family, take up farming, and, most important of all, respect European notions of private property. It was clear from the beginning of the nation, then, that the government's policy would be, in one way or another, to separate the Indians from tribal allegiances and their way of life, which required vast tracts of land for hunting and harvesting crops that grew wild. If Indians could be educated for and settled in English-style villages and encouraged to till the ground as farmers, then most of their land over which they had previously moved freely could also be sold off to white settlers and peace would prevail. If this could not be done, the only remaining alternatives contemplated by the government were continuing war or resettlement of Indians farther and farther west. No other options—no serious respect for the rights of Indians to their land or to their way of life, including their religion—were ever considered. This was in spite of the words of the Northwest Ordinance of 1787, which had required schools for the new white communities and also required that "the utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without their consent and in their property, rights and liberty, they never shall be invaded or disturbed."[8]

The nation's third president—perhaps the most famous early advocate for education for white citizens and for the separation of church and state—Thomas Jefferson, began his presidency with high hopes for the trading houses as a means of building up Indian interest in owning things, entering a cash economy, accruing debt, and thus separating them from both their tribes and their land. In 1803, Jefferson spoke of a "coincidence of interests" as government efforts created willingness on the part of Indians to trade land for "civilization," while European Americans had civilization to offer in exchange for land. It was not to be so easy. Encouraging Indians to embrace the benefits of private property, nuclear families, and ultimately European Christian civilization required more than merely offering a few goods.

Realizing the difficulty, Jefferson quickly moved beyond reliance on the trading houses alone. He purchased the Louisiana Territory, commissioned the Lewis and Clark expedition, and generally supported a policy of greatly expanding both white settlement and Indian distance from the settlements. Jefferson also expanded Washington's program to "civilize" the tribes and requested significant federal funds for the education of the Indians.

Jefferson also entered into a close alliance with the evangelical Protestant denominations that he otherwise distrusted. While federal government agents engaged in efforts to bring education and civilization to the Indians, Jefferson

and his successors allocated the majority of the federal monies to Protestant missionaries. These missionaries raised more funds from their supporting congregations to bring to the Indians the blessings of western civilization in which capitalism, individualism, and Christianity were inseparable. As Lawrence Cremin noted, "In effect—and paradoxically, given the Jeffersonian penchant for secularism—the government ended up in patent partnership with the several Christian denominations." It was indeed an ironic twist in the career of the advocate of Virginia's statute for religious freedom. The notion that the first inhabitants of the American lands might have religious traditions in need of respect, indeed of First Amendment protection, was simply not considered. For white Americans, the Indian religion was far too tightly woven into the Indian way of life—a way of life fundamentally at odds with white settlement—to receive such respect or protection.[9]

Expanding Missionary Schooling

Jefferson's successors in the White House and in Congress continued and expanded his efforts to use missionaries to teach Christianity and European civilization to American Indians even as they continued Washington's military efforts. In 1810, two of the nation's largest Protestant groups, the Presbyterians and the Congregationalists, created the American Board of Commissioners for Foreign Missions (ABCFM) and soon thereafter sent Protestant missionaries to the Iroquois in New York and to the five civilized tribes of Tennessee, Mississippi, and Arkansas. The mandate of these missionaries—supported by both church and federal funds—was to establish both tribal and more distant boarding schools so that they could educate a generation of Indians who would be "English in their language, civilized in their habits, and Christian in their religion." Perhaps the most famous of these ABCFM missionaries, Cyrus Kingsbury, illustrated the government-church alliance when he established the Brainerd mission to the Cherokees of Georgia using church funds for the staff and government funds for mission's land and farm equipment. The Brainerd mission served as a model farm, a boarding school, and a Presbyterian church for the Cherokees.[10]

For many Native Americans, religion was also a key element in their resistance. In the Ohio Territory, a new generation of American Indian leaders came to resent the terms of the treaty that had ended warfare in their region in 1795. Tenskwatawa, a spiritual leader among the Shawnee, and his half-brother Tecumseh, a military leader, began to prepare for a war to end European domination. By the early 1800s, the Shawnee depended on trade with Europeans for muskets, clothing, and cookware, even if they were not fully reconciled to European schooling or religion. But with the rebellion led by the brothers, a group of Shawnee gathered at a new settlement they called Prophetstown near

West Lafayette, Indiana, where they sought spiritual renewal through a thorough rejection of all things European. At the same time, Tecumseh recruited other tribes for an alliance to drive the whites out of Ohio and Indiana. For some time, the Ohio frontier was in turmoil until in the War of 1812–1815, Tecumseh, who as allied with the British, was killed and the Shawnee alliance defeated, bringing to an end to this revival of Indian culture and religion.[11]

After the defeat of Tecumseh's alliance and other tribes fighting in the Southwest, the House Committee on Indian Affairs recommended to Congress: "Put into the hands of their children the primer and the hoe, and they will naturally, in time take hold of the plough; and as their minds become enlightened and expanded, the Bible will be their book, and they will grow up in habits of morality and industry, leave the chase to those whose minds are less cultivated, and become useful members of society." Thus was established the policy of both the federal government and the majority of Protestant denominations toward the proper relationship of religion and public education for the Indians. Church and state would join in a mutual effort aimed at specific conversion to Protestant Christianity as one of the key ingredients in the civilization of native people.[12]

In 1819, Congress passed the Civilization Fund Act, which regularized the government's alliance with Protestant missionary efforts and Indian education. The Civilization Fund appropriated $10,000 per year so that the president could "employ capable persons of good moral character [i.e., Protestant missionaries for the most part] to instruct them [Indians] in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic." The fund's major advocate, Thomas L. McKenney, was a Quaker by background, committed to peaceful conversion of the Indians. McKenney was the government's superintendent of Indian Trade and in 1824 became head of the new Office of Indian Affairs. He argued for the fund because he believed that "there were now several missionary stations already in operation, though on a small scale, all of them furnishing proof that a plan commensurate to the object would reform and save, and bless this long neglected and downtrodden people." McKenney, like many in Congress and in the major Protestant missionary groups, shared this commitment to schooling, moral uplift, and acculturation to European values.[13]

In white America, the voices of opposition to missionary efforts at civilizing and Christianizing the Indians were not those who argued for respect of indigenous land, cultural, religious, or treaty rights. They were, rather, the voices of the even more land-hungry settlers and military leaders who believed that any effort at assimilation or peace was hopeless. Andrew Jackson, the most famous of those who spoke against the educational effort, told his superior officer in 1814, "I must destroy those deluded victims doomed to destruction by their

own restless and savage conduct." Another time, after a bloody battle, Jackson assured his troops of their divine mission—not to Christianize but to exterminate: "The fiends of the Tallapossa will no longer murder our women and children, or disturb the quiet of our borders. . . . They have disappeared from the face of the Earth. . . . How lamentable it is that the path to peace should lead through blood, and over the carcasses of the slain!! But it is in the dispensation of that providence, which inflicts partial evil to produce general good." Half a century before US Army General Philip Sheridan's 1867 statement regarding the Cheyennes ("The only good Indians I ever saw were dead"), the potential for genocide was outlined quite clearly.[14]

By the 1830s, Southern whites in Georgia and in Mississippi were looking at the extensive landholdings of the Cherokee, Choctaw, and Creek tribes. In collusion with a supportive President Jackson, they accomplished the infamous removal of these tribes to the west of the Mississippi River so that the land could be opened to white settlement. Many of those who had led the earlier missionary efforts protested vigorously as these tribes were forcibly uprooted. Tribal leaders also protested. In 1834, Chief John Ross protested to the secretary of war, "The right of property and even the life of the Cherokee is in jeopardy, and are at the mercy of the robber and the assassin." And later he reminded President Jackson of the "assurances of protection, good neighborhood and the solemn guarantee" of the rights of the Cherokee people. All of these protests made no difference. On orders from President Jackson, federal troops cooperated closely with the states in removing the Indians from their ancestral homes and forcing on a thousand-mile trek known as the Trail of Tears because so much was lost and so many died on the march. At the end of the march, the tribes were given land in to the Oklahoma Territory, known then as Indian Territory.[15]

Of all the Native American groups, the Cherokee and Choctaws had responded by far the most positively to the missionary efforts in their old homelands, welcoming the schools and the churches, setting up their own written language and printing presses, becoming farmers, and in some cases very successful capitalists. A minority even converted (at least in outward appearance) to Christianity. And it was all for naught. When the pressure for land increased, they too were pushed out without recourse. Not surprisingly, missionaries who met the Choctaws and Cherokees in their new lands in the West reported considerable hostility to Christianity and to schooling that lasted for many years.[16]

While the story of the Cherokee, Choctaw, and Creek Trail of Tears is relatively well known, far less attention is paid to what happened to these tribes once they arrived in Oklahoma. They were, in fact, resilient people The last groups of Cherokees arrived in Oklahoma in 1839, and that same year, the tribe wrote a new constitution and established the town of Tahlequah as their

capital. In spite of the terrible tragedy of their move, and living on land that was very different from their mountainous homeland in Georgia and Alabama, they nevertheless built a new civilization. Under their own initiative, and without any US government or missionary involvement, they also created the Cherokee school system.

The autonomous government of the Cherokee Nation created the Cherokee Female Seminary to train teachers for their schools. Surprisingly they turned to Mount Holyoke Female Seminary in South Hadley, Massachusetts, for its model. Between 1851 and 1909, the school prepared some ninety teachers for elementary and secondary schools serving the Cherokee with a mandate to "carry the mental culture of the youth of our country to the highest practicable point."

Today, almost 200 years later, some 70,000 Cherokee live within the Cherokee Nation in northeast Oklahoma, controlling many aspects of their tribal life, especially tribal education, and making them the largest federally recognized tribe today.[17]

While war had always been the alternative to assimilation, the great Indian wars of the Plains lasted a relatively short time. Although the land east of the Mississippi had seemed sufficient for white settlers in the 1830s, by the 1840s, the pressure was on again. And with the end of the Civil War in 1865, the US army was stronger and the Plains tribes in a weaker position than in the past. The major nomadic tribes of the Plains, the Sioux, the Cheyenne, and the Arapaho, fought hard and bravely, but they were no match for the well-trained and mechanized army, especially after the Civil War. The war was not fought only on the battlefields. The army and the settlers destroyed the prairie grass and the buffalo on which Indian culture, food, and shelter depended. The 1851 Treaty of Fort Laramie confined many of the Plains Indians to limited reservations, but the treaty was hard to enforce. After the 1860s, however, the railroad and barbed wire brought settlers and settled farms. Even the fierce Comanche, who were never defeated in battle, were forced onto reservations by the destruction of their economy and way of life. By the 1870s, the major Indian wars were over. There would be continued guerrilla warfare and the great uprising of the 1890s, but the nation's Indian wars were at an end and the Indians had lost.[18]

Missionaries and Boarding Schools

By 1875, as almost 300 years of warfare gradually came to an end as further resistance became impossible. The question, of course, was what would come next?

In 1869, partly in response to the end of the Indian wars and partly in response to corruption in the Office of Indian Affairs, President Ulysses S. Grant announced a new Peace Policy that included three commitments: (1) reservation personnel would be appointed by church boards rather than by the government,

(2) government support for education would be expanded, and (3) a group of well-known philanthropists would be appointed by the president to serve as a Board of Indian Commissioners to review and administer Indian policy. The Grant Peace Policy was never as effective as the former general, who had seen enough of warfare, hoped it would be. Those who profited from Indian Bureau contracts and patronage fought successfully against interference from both church groups and the lay board. Soldiers on the ground in the West were often itching for a fight, and white settlers and, later, miners just kept coming.

However, the Peace Policy was the beginning of a new effort. With the Great Plains Wars over, more whites were willing to heed reformers like Helen Hunt Jackson, whose 1881 book *A Century of Dishonor* described government duplicity. Her indictment of federal policy and of the action of individual whites was wide reaching. She wrote, "It makes little difference . . . where one opens the record of the history of the Indians . . . Colorado is as greedy in 1880 as was Georgia in 1830, and Ohio in 1795." The result was a series of reform efforts, the creation of the philanthropic Indian Rights Association, and the Lake Mohonk philanthropic conferences, which met from 1883 to 1913. The consensus among all of these groups was that the time for peace and a new era of respect for tribal rights were at hand. Often in the eyes of the reformers, this meant a fuller assimilation than had taken place in the past. The US commissioner of education, William Torey Harris, told the Lake Mohonk Conference in 1895 that the time had come finally for an Indian education that included the "Christian ideal of the family," the shift from tribal loyalty to a focus on the "independent citizen" and the full amalgamation of Indians into the nation. Secretary of the Interior Lucius Q. Lamar put it more bluntly when he said the "only alternative now presented to the American Indian race is speedy entrance into the pale of American civilization, or absolute extinction." In surprising ways, the policies and the rhetoric had changed very little since Washington and Jefferson or, for that matter, since Eliot and Winthrop.[19]

Federal policy followed these new reform initiatives, though in sometimes odd ways. The Dawes Act, passed by Congress in 1887, called for surveying the remaining reservations, dividing the land up into 160-acre holdings for each family, selling the rest off, and giving the family the freedom to sell after twenty-five years. The long goal of shifting from tribal to private property was accomplished simply by congressional vote. As a result of the Dawes Act, Indians in many tribes were convinced to sell their land and move to cities. Tribal governance was greatly weakened, and many Indians found themselves in white communities, usually as a little-respected minority group. Intermarriage with whites further undermined Indian identity. Large numbers of Indians or children of mixed families attended majority white schools that provided little focus on Indian culture or history. In addition to the provisions of the Dawes Act, the

government created a reservation Indian police force in 1878 and Indian courts in 1883 to shift justice from a tribal to a quasi-European-American legal system.

Finally, the reformers renewed their educational efforts for the children of those Indians who stayed on the reservations. The Board of Indian Commissioners asked: "If the common school is the glory and boast of our American civilization, why not extend its blessings to the 50,000 benighted children of the red men of our country, that they may share its benefits and speedily emerge from the ignorance of centuries." Why not indeed? But the common school for Indians who continued to live on reservations was to be different. The community school, placed in and controlled by the community, would not do. Instead, reservation schools and boarding schools, controlled by the government and by continued alliance with religious missionary organizations, would raise the Indians to Christianity and civilization. Secularism was not on the agenda. In 1883, four years before the Dawes Act, the federal Indian Office announced a policy aimed at "rooting out paganism" and advancing civilization among the tribes. Traditional feasts, dances, especially the Sun Dance of the Plains Indians, the ministry of tribal holy men, and "give away" marriage ceremonies were all banned. Walking Buffalo, an Assiniboine, said, "You whites assumed we were savages. You didn't understand our prayers. You didn't try to understand. . . . when we sang our praises to the sun or moon or wind, you said we were worshipping idols [and] condemned us as lost souls just because our form of worship was different from yours."[20]

Although the reform efforts of the 1880s were not all that new in their approach, and from a tribal perspective, they hardly represented an improvement, they did, however, represent an expansion of federally supported schooling, especially of the boarding school, which was specifically designed to enculturate young Indians by completely cutting them off from tribal influence through a long-term residential program. The new direction for federal support of Indian schools began quite accidentally in 1875 when seventy-two Indian prisoners from the Red River War of 1874 were ordered removed from their temporary prison in Fort Sill, Indian Territory, to a federal prison in St. Augustine, Florida. Including leaders and younger warriors from the Cheyenne, Arapaho, Kiowa, Comanche, and Caddo tribes, the prisoners were placed under the direction of Lieutenant Richard Henry Pratt, a veteran of the Union army in the Civil War and several years of Plains Wars. With only vague orders as to how to conduct the prison, Pratt made the decision on his own to turn it into a model school. He recruited Sarah Mather, a graduate of Mt. Holyoke and longtime teacher, and together Pratt and Mather began to teach the Indian prisoners European dress, the English language, and Christianity.

As conducted by Pratt and Mather, the prison school made no distinction between sacred and secular. The effort to convert the Indians, isolated as they

were by prison walls and thousands of miles from their tribes, preceded. In time, most of the prisoners adopted western ways and some seemed to have converted to Christianity. Soaring Eagle, a Cheyenne warrior, wrote: "It is good to go to church. . . . When I go home, I hope to sit down and sing God's hymns . . . I now look up to Jesus who has been so good to me and pray to him to forgive all my past sins and make me his child." Because the inducements for making such pronouncements were considerable, those who spoke them knew that they were probably the only route to eventual freedom, and the enclosed world of the prison made resistance especially difficult. It is impossible to accurately judge how effective the efforts were in terms of the prisoners' core beliefs.

What is easy to judge, however, is the degree to which the prison school was viewed as a success by white society. The Episcopal bishop Henry Benjamin Whipple, himself known for missionary efforts among the Sioux, spoke of how deeply touched he was after a visit to the school. "Here were men who had committed murder upon helpless women and children sitting like docile children at the feet of women learning to read." Harriet Beecher Stowe wrote positively of the school after her visit: "Is not here an opening for Christian enterprise? We have tried fighting and killing the Indians, and gained little by it. . . . Might not the money now constantly spent on armies, forts, and frontiers be better invested in educating young men who shall return and teach their people to live like civilized beings?" The prison school embodied a philosophy dating back to the missionaries of the eighteenth and early nineteenth centuries. But there was something different in Pratt's experiment. In total isolation, it all seemed to work. Enough distance between the Indians and their tribes seemed to be the key to schooling them in civilization and Christianity. And the government was prepared to support both the schooling and the distance.

In time, most of Pratt's prisoners were freed. But he continued his efforts. With major federal backing and authorization to recruit 125 students from the West, especially the Sioux, Pratt, again, aided by Mather, opened the Carlisle Indian School in a former army barracks in Carlisle, Pennsylvania. Pratt seemed to have solved the major problem with previous efforts at Indian schooling near reservations. Whether in day schools or boarding schools, tribal culture continued to make itself felt. "We make our greatest mistake in feeding our civilization to the Indians instead of feeding the Indians to our civilization," Pratt wrote. Feeding civilization to the Indians, bit by bit, never worked according to Pratt. He had no respect for Indian culture or religion and wanted to cut individuals off from it as securely as possible, literally "feeding the Indians," one by one, into the cultural power of white America. Moving students hundreds of miles from their homes made it possible for Pratt to develop an educational

model that had no connection to tribal or family culture and could allow virtually total enculturation in the norms that he wanted to teach.

While historians have been understandably critical of Pratt and the Carlisle experience, government agents of the 1880s and 1890s thought they had finally found the solution to a method of Indian education that they had long been seeking. Other schools followed in rapid succession. David Wallace Adams has chronicled the tragic history of twenty-five Indian boarding schools built on the Carlisle model between 1879 and 1902. These off-reservation schools created total communities. They appealed to church and government agents who were determined to prove that Indians were not a race apart but people who could be "civilized" as well as anyone else. As one reformer of the day wrote: "The years of contact with ideas and with civilized men and Christian women so transform them that their faces shine with a wholly new light, for they have indeed 'communed with God.' "[21]

Adams described the many ways that boarding schools challenged the core religious beliefs of an Indian child, including the assignment of white names, which could be devastating spiritually due to the sacred nature of tribal naming ceremonies. He continued:

> Adjusting to a new physical environment also meant adjusting to new conceptions of space and architecture. The boarding school, the new recruits quickly learned, was a world of lines, corners, and squares. Whites, Indians surmised, largely conceived of space in linear terms. . . . For Lakota students, for instance, the essential touchstones of cultural reality—the sky, the sun, the moon, the tepee, the sundance lodge, and the "sacred hoop"—were all circular phenomena. Thus, an old Lakota, Black Elk would tell John Neihardt in 1931: "You will notice that everything the Indian does is in a circle."[22]

Other tribes might pay less heed to the sacred nature of the circle than the Lakota Sioux, but the example represents one of the many ways that what seemed so neutral to the white managers of the schools, held deeply religious significance for the Indian students.

One of Pratt's most effective ways of popularizing his ideas for Indian education was to take before-and-after pictures of the Indians—when they first arrived and at graduation. From today's perspective, these pictures are filled with tragedy, showing Indians shorn of their hair, their dress, their pride. Yet that was exactly the goal of those who sought to "kill the Indian but save the man."

From the perspective of a study of the relationship between religion and public education, the boarding schools came at a unique moment. In one sense, they were the pinnacle of a century-long partnership between church and state to convert Indians to white ways and white religion. Using federal tax dollars, these schools unapologetically taught all of the accoutrements of white American

life as it was lived in the late nineteenth century, including most specifically conversion to Christianity, attendance at Christian worship, and the study of Christian scriptures in the schools. At a moment in history when the public schools were finally responding to a half-century of Catholic criticism and to growing Jewish immigration by shedding some of their most overtly Protestant characteristics, the federally supported Indian boarding schools showed no such inclination, either by giving any signs of respect to Indian religion or by attempting a less Protestant, more secular approach to instruction. Schools for Indians were the last place where any notion of First Amendment freedom penetrated.

An ironic twist to the story is that just as the Carlisle model was expanding, so too were Catholic schools for Indians. While boarding schools at a great distance from the reservation might be the capstone of the system, much of the federal money continued to flow to missionaries who built boarding or day schools on reservations. And with the creation of the Catholic Bureau in 1874, Catholic missionaries joined in the effort. Funded in part by the largess of their patron, Katharine Drexel (now Saint Katharine Drexel), but also taking advantage of the same federal contracts offered to Protestant missionaries, Catholic teaching orders quickly became a major force on the reservations. During the administration of the first post–Civil War Democrat, Grover Cleveland, from 1885 to 1889, Protestant reformers such Lyman Abbott worried about "an incidental evil of this anomalous condition of affairs" that in 1886 more government contracts were going to Catholic schools than to Protestant ones.

For many of those who were on the receiving end of the missionary work, it all seemed very ironic. White American seemed determined to Christianize American Indians, but whites could not agree on which form of Christianity. Thus, Chief Joseph of the Nez Percé, who had tried so hard to keep his people out of white control, wrote, "We do not want churches because they will teach us to quarrel about God, as Catholics and Protestants do. We do not want to learn that. We may quarrel with men sometimes about things on this earth. We never quarrel about God." Protestant-Catholic competition for federal funds and work on the reservations was ironic indeed. For most of the nineteenth century, Catholics had campaigned, with no meaningful success, for federal and state funding for Catholic parochial schools to serve their own children, especially in the largest urban areas. An alliance of Protestant and more secular forces always succeeded in blocking such aid. But in the field of missions to the Indians, in spite of the jealously between them, Protestants and Catholics were happy to share the federal aid and use it to convert Indians from their ancient traditions to an Americanism that seemed to include Christianity in any form.[23]

The acculturation efforts, the missionaries and the boarding schools, and other attempts to suppress Native American culture and religion did not take

place without resistance. The most dramatic, and most tragic, was that led by the Paiute Wovoka, who called himself the Indian messiah and called on his followers to wear sacred "ghost shirts" and dance the Ghost Dance to rid the land of the white invaders. For Wovoka, the religious roots of the rebellion were clear. He promised that "Big Man [Great Spirit] come. He bring back all game of every kind . . . and all white people die." To many it was an appealing promise.

A few whites saw the Ghost Dance as an appropriate religious activity. Former Indian agent Valentine McGillycuddy appealed to the government: "I should let the dance continue. The coming of the troops has frightened the Indians. If the Seventh-Day Adventists prepare their ascension robes for the second coming of the Savior, the United States Army is not put in motion to prevent them. Why should not the Indians have the same privilege? If the troops remain, trouble is sure to come." But the Indians were not Seventh-day Adventists, the military leaders were not troubled by constitutional scruples, and the Ghost Dance ended in the tragic massacre of men, women, and children who were camped out at Wounded Knee, South Dakota, in 1890 when the army, fearing for their own safety, fired on them. As Ronald Takaki has said, "For Indian America, Wounded Knee violently symbolized the end of the frontier."[24]

After 1890, resistance was much more personal and hidden. Like the slaves who conducted their religious services away from the prying eyes of their masters, Indians continued to practice their religion and their own forms of education out of sight of white eyes. At times, this resistance was simply the encouragement given by a medicine man to a family to keep a child out of the boarding school. At times, it was the much-complained about tendency of young scholars to stay quietly in touch with family and friends so that "a dance is announced a week in advance, and at once you see the young mind reveling in thought until study and all thoughts of books are driven out and nothing but Indian remains, and weeks pass before the scholars get back to their regular work."[25]

Francis La Flesche, an Omaha who attended a Presbyterian mission school in the 1860s, later published his own recollections. He reported that he and his friends enjoyed the Bible stories, but most of them did not take a "serious" interest in Christianity and remained free of the sense of guilt and sin that the missionaries were teaching. At the same time, in La Flesche's account, the missionaries seem to have remained oblivious to the fact that while the boys showed signs of Christian religious devotion during the day, they also continued to share the Omaha traditions with each other late at night after the lights were out and the missionaries gone. As an adult, it was those nighttime lessons that La Flesche remembered as central to his Indian identity. Plenty Kill/Luther Standing Bear was an Oglala Sioux taken from the Pine Ridge Reservation to Carlisle by federal agents when he was eleven. As an adult, he was active in the National League for Justice to the American Indian and wrote widely.

He remembered, " 'Civilization;' has been thrust upon me since the days of the reservations and it has not added one whit to my sense of justice, to my reverence for the rights of life, to my love for truth, honesty, and generosity, or to my faith in Wakan Tanka, God of the Lakotas." Such resistance maintained traditions thought to be lost and meant—as with African traditions among former slaves—that when times became slightly more tolerant, far less had been forgotten than the white world thought and hoped.[26]

As La Flesche's and Plenty Kill's story illustrates, American Indian resistance to white schooling, white culture, and white religion often took complex form. There was the resistance of those from Tenskwatawa to Wovoka who called for a total rejection of all things European—Christianity, schooling, and economic development—but there were many more American Indians, well known and unknown, who were able to pick and choose as part of an effort to create new lives for themselves in the midst of a more powerful culture that they knew they could not defeat entirely.

Quanah Parker was in his youth one of the most feared warrior leaders of the Comanche. S. C. Gwynne's 2010 biography, *Empire of the Summer Moon,* tells the story of this remarkable leader's life. Although he would not discuss the details in his later life, it was known that in his twenties Parker had led fearsome raids that killed numbers of whites and Indians who allied with them, all in his efforts to keep the Comanche free. The Comanche that Parker led were never defeated militarily, but the US army was able to destroy the buffalo and crops on which they depended, and, at the age of twenty-seven, Parker was one of the last to surrender.

After his surrender, Parker, as principal chief of the Comanche, led the tribe in an adjustment to white life on their own terms. He became a successful farmer and rancher, had a car and a telephone, and at one point hosted President Theodore Roosevelt. But his assimilation only went so far. Quanah Parker remained a Comanche in core cultural terms. Throughout his life, he continued to negotiate with the government to protect the land rights of his people. He had twenty-four children by his eight wives. He was a leader in the revival and use of peyote rituals in which hallucinations brought on by ingesting cactus were part of all-night healing rituals. Describing the religious ecstasy brought on by peyote, Parker said, "The white man goes into his church and talks *about* Jesus, but the Indian goes into his tipi and talks *to* Jesus." This was not the religious experience or the family life that the mission schools sought to teach. Nevertheless, Parker, with support from a white anthropologist, James Mooney, succeeded in getting the state of Oklahoma to end its peyote ban in 1908 and a decade later, after Parker's death, the Native American Church was incorporated in the state. By the 1930s, the Native American Church claimed half of all American Indians as members.

In fact, Quanah Parker directly rejected the mission schooling. Late in his life, he realized that he did not want the boarding schools or the reservation day schools for his own children or their friends, and he felt that they were not welcome in the white schools. So he took matters into his own hands. He lobbied authorities to create a new school district in Oklahoma, donated the land, and in 1908 became chairman of the school board in the new district that would provide what a later generation might call "culturally appropriate" education for Comanche children. School board meetings were a long way from the fearsome warfare of the 1860s and 1870s but part of an ongoing battle to protect Comanche identity.[27]

The Schools and the Reemergence of Traditional Religion

Only in the 1920s were serious questions raised about long-standing federal Indian education policies, especially federal support for boarding schools. A series of investigations of boarding schools not only revealed the attack on Indian culture but also highlighted the hard work, poor food, and generally miserable conditions prevalent in what an investigator called "penal institutions—where little children were sentenced to hard labor for a term of years to expiate the crime of being born of their mothers." In 1922, Congress gave the various missions title to the land they were using on the reservations, but they also began raising significant questions about the quality of these schools and the religious nature of the schools, forced religious instruction, and the use of federal tax funds for religious institutions. In 1926, a team of Johns Hopkins researchers began the most systemic review of Indian affairs in decades. The Meriam Report, as Louis Meriam's *The Problem of Indian Administration* was known, called for a completely different approach to Indian affairs. The report summarized much of the previous century's work by noting that missionaries and government agents alike had sought to remove the Indian student "as far as possible from his home environment" whether physically in a boarding school or psychologically in an institution that did not honor Indian culture. This approach completely contradicted the direction of education reform in the rest of the country, which Meriam believed pointed toward a "modern point of view in education and social work [which] lays stress on upbringing in the natural setting of home and family life."[28]

The coming of the New Deal in the 1930s, only a few years after the Meriam Report, led to vast changes for all Native Americans. Known as the Indian New Deal, federal efforts in the 1920s built on the recommendations of the Meriam Report. John Collier, Franklin Roosevelt's commissioner of Indian Affairs, voiced a sometimes romantic and sometimes harsh view of the needs of Indians. But he did insist that "assimilation, not into our culture but into modern life, and preservation and intensification of heritage are not hostile

choices." The result was the Indian Reorganization Act of 1934, which ended the Dawes Act privatization of Indian lands and called for federal recognition of Indian tribes as legal tribal entities and for respect for Indian culture.

While the heart of the 1934 Indian Reorganization legislation focused on protecting Indian lands and tribal identity, Commissioner Collier also noted that it repealed the brunt of the last century's educational efforts: "Through 50 years of 'individualization,' coupled with an ever-increasing amount of arbitrary supervision over the affairs of individuals and tribes so long as these individuals and tribes had any assets left, the Indians have been robbed of initiative, their spirit has been broken, their health undermined, and their native pride ground into the dust." Such words represented a sea change in federal policy. Mission schools did not end overnight. Most denominational missionary organizations opposed Collier's prohibitions on interference with Indian religious life or ceremonies. At the same time, Collier protested a lack of funds for his efforts.

A second piece of legislation Congress passed in 1934, the Johnson-O'Malley Act specifically addressed Indian education. The Johnson-O'Malley Act recognized that, since the Dawes Act, many Indian families had moved into nonreservation communities, and by 1934, the majority of Indian children attended public schools rather than reservation schools. The 1934 law required public schools to provide services to Native American students—bilingual instruction, study of tribal cultures and history, and respect for their traditions. Important as the act was there was never enough money, and Depression-era school officials often diverted the federal funds to other uses.

The Truman and Eisenhower administrations paid less attention to Indian education than had Roosevelt's New Deal government. Serious federal attention to Indian schooling was delayed until the Great Society legislation of the 1960s, when funds began to flow to educational efforts that respected tribal and cultural rights. President Lyndon Johnson created the National Advisory Council on Indian Education in 1965 to include more Indian voices in federal education policy, and in 1968, he issued an executive order expanding Indian participation in all government decision making regarding Indian policy. As one result, the Rough Rock Demonstration School, established on the Navajo Reservation in 1966 as a community-controlled educational effort, represented a significant further step in the direction of Indian control of Indian education. Cultural imperialism did not end with the Great Society, but the concerted effort to individualize, westernize, and Christianize the Indians slowly began to decrease.[29]

After Johnson left office, the US Senate Committee on Labor and Public Welfare issued a report, *Indian Education: A National Tragedy—A National Challenge*. The report was often known as the Kennedy Report after Senator

Robert Kennedy who led in its development before his death in 1968. The report announced a new approach to Indian education. "We have chosen a course of learning as obvious as it has been ignored. We have listened to the Indian people speak for themselves. . . ." The committee was blunt in describing what it heard as "a major indictment of our failure." The committee concluded that "the dominant policy of the federal government toward the American Indian has been one of coercive assimilation," but the policy "has had disastrous effects on the education of Indian children." It recommended sixty new policies, including the funding and development of culturally sensitive curricula for schools that serve Indian children and a White House conference on Indian education.[30]

Federal reports were not the only development in 1969. In November 1969, the nation witnessed a new level of militancy among American Indians when a group representing several different tribes seized the abandoned federal prison on Alcatraz Island in San Francisco Harbor and began a year-and-a-half-long siege. Vine Deloria, a Standing Rock Sioux, had already won the leadership of the National Congress of American Indians with a demand for greater autonomy and respect for Indian culture. A new organization, the American Indian Movement, became a leading Indian civil rights organization. These developments and other actions on the part of Native Americans, including a dramatic takeover of the village of Wounded Knee by Sioux traditionalists in 1973 and a sit-in at the Bureau of Indian Affairs offices in Washington, DC, brought Indian militancy to the attention of the public and the government. The results were several agreements ending long-standing land disputes but also the 1972 Indian Education Act that provided funds for schools under tribal control.[31]

Finally, in 1978, a joint resolution of Congress declared that the First Amendment rights did, in fact, apply to Indians. Beginning with the recognition that "the freedom of religion for all people is an inherent right, fundamental to the democratic structure of the United States and is guaranteed by the First Amendment of the United States Constitution" and recognizing that "the religious practices of the American Indian (as well as Native Alaskan and Hawaiian) are an integral part of their culture, tradition and heritage, such practices forming the basis of Indian identity and value systems," the act clearly acknowledged that federal policy had too long failed to recognize this right, which "has often resulted in the abridgment of religious freedom for traditional American Indians." As a result, Congress also resolved "that henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom

to worship through ceremonials and traditional rites." It was an important recognition even if it was late in coming. While still honored in the breach in many cases, the act, and the long civil rights agitation that led to it, has created a very different era in teaching religion in Indian schools.[32]

This chapter began with the assertion that US policies toward teaching religion—specifically Protestant Christianity—in the federally supported public schools for Indians could be seen as either the exception or the confirmation of similar policies for all other citizens. Indian policy was the exception, because nowhere else was there such an overt emphasis on conversion to Christianity as in the Indian schools. Thomas Jefferson would have rejected this use of federal tax dollars in any other sphere, even as he expanded the budgets for missionaries to the Indians.

In a larger sense, the efforts at a common American schooling were very similar. Where an 1818 congressional committee could speak of Indian schooling designed to "put into the hands of their children the primer and the hoe . . . the Bible will be their book, and they will grow up in habits of morality and industry," half a century later, in 1863, Boston's much-respected civic leader Edward Everett spoke of Americanizing the city's Irish Catholic youth "not with cannons and Minie rifles, but with the spelling-book, the grammar, and the Bible!" And Jon Reyhner and Jeanne Eder, among other scholars, have explored the clear links between Indian education and the education offered to African Americans. In the nineteenth century, the common school effort—whether focused on white Protestants, white Catholics, African Americans, Native Americans, or, late in the century, other groups—had some very common elements.[33]

Schooling, as it developed in nineteenth-century America, was a natural part of a Whig/Republican worldview that had at its heart what historian Carl F. Kaestle has called the Protestant-Republican ideology, which included "the sacredness and fragility of the republican polity (including ideas about individualism, liberty, and virtue); the importance of individual character in fostering social mobility; the central role of personal industry in defining rectitude and merit . . . the superiority of American Protestant culture; the grandeur of America's destiny; and the necessity of a determined public effort to unify America's polyglot population, chiefly through education." It was an ideology that, for better and for worse, fueled the public school movement and built it into an enterprise in which society could safely abandon having an established church; the common school would replace such a church as the purveyor of Christian morality and civic virtue. Advocates of this policy simply did not understand—or did not want to understand—that the same notions of morality and virtue were not held by all citizens. Looking back at this long history, Vine Deloria wrote, "The thing that has always been missing in Indian

education, and is still missing, is Indians." What was to its advocates so clearly a program of national progress seemed like a form of incredible oppression to those who did not share their specific moral and religious worldviews.[34]

Mary Crow Dog, a Lakota Sioux and herself a student at the St. Francis boarding school in the 1960s, summed up the policies that led to such miserable experiences for her, her mother, her grandmother, and so many other Native Americans between the early years of the nineteenth century and at least the middle of the twentieth: "Oddly enough, we owed our unspeakable boarding schools to the do-gooders, the white Indian-lovers. The schools were intended as an alternative to the outright extermination seriously advocated by generals Sherman and Sheridan, as well as by most settlers and prospectors overrunning our land. 'You don't have to kill those poor benighted heathen,' the do-gooders said, 'in order to solve the Indian Problem. Just give us a chance to turn them into useful farmhands, laborers, and chambermaids who will break their backs for you at low wages.' In that way the boarding schools were born."[35] And so, for several generations, they continued.

The Many Origins of the Scopes Trial, 1859–1925

Almost one hundred years ago, in July 1925, one of the most famous trials in the history of the United States took place in the small town of Dayton, Tennessee. John T. Scopes, a young high school biology teacher, was convicted of breaking the Tennessee law that banned teaching about evolution in the state's public schools. Virtually the whole nation read news reports and argued about the trial. And then, for most people, the trial was forgotten. But the concerns that led to the trial and the issues that remained after it was over are central to understanding the place of religion in schools from the 1870s and 1880s to the present.

The trial took place from July 10 to July 21, 1925. It was quite a show. William Jennings Bryan, three-time Democrat nominee for president of the United States, and an ardent fundamentalist in religion, volunteered to serve as one of the attorneys for the prosecution. Clarence Darrow, perhaps the best-known trial attorney in the nation, served as part of the defense team for Scopes. The trial attracted visitors from all over the country, including representatives of most major newspapers.

The immediate outcome of the trial was never in doubt. Scopes was clearly guilty of violating the law. His chief defender, Clarence Darrow, admitted as much in his closing arguments and hoped to win the constitutional issues on

appeal. The jury deliberated for a total of nine minutes before finding Scopes guilty, and the court imposed the minimum fine of $100.

Before the trial was over the stereotypes about the issues and the people involved had been established. For many liberal Americans, certainly those who read the reports of H. L. Mencken, the nation's best-known journalist, the trial, and the law that had produced it, meant that, as Mencken said, "Neanderthal man is organizing in these forlorn backwaters of the land, led by a fanatic, rid of sense and devoid of conscience."[1] For religious conservatives, the trial, although an immediate victory was also a grand defeat in which William Jennings Bryan, their hero, was pilloried in the national media by radical nonbelievers such Darrow and Mencken. For some conservatives, Bryan was seen as a martyr because he died a week after the trial. Colleges and programs that sought to sustain conservative Protestantism were named after him. But all of the negativity meant that these conservatives also retreated from the public arena for decades.

All of these easy stereotypes are far too simple. The simplistic view of the Scopes Trial radically distorts the historical record. It is also dangerously simplistic because it allows us to ignore some very significant issues raised by the trial—issues about the place of religious belief in American public schools and issues about the nature of American society that remain unresolved ninety years later.

Throughout the nineteenth century and well into the twentieth, most Protestant Americans maintained a sense that theirs was a Protestant Christian nation. This was true no matter how actively or inactively they participated in their own Protestant churches. True, a growing Catholic minority asserted its rights, and even, in a few places—cities such as Boston or rural areas in New Mexico succeeded in winning political and cultural influence. It was also true that later in the nineteenth century some of the newer immigrants—Jews from Russia, Buddhists from China, radicals and atheists from eastern and southern Europe—rejected the notion of a Protestant America as had American Indians throughout American history or many of the Latino residents of the Southwest did after the American conquest of 1848. But for most Protestants, especially those living in rural areas (and until 1920 the majority of Americans lived in rural areas), all of these groups were faraway. Signs of how Protestant the culture really was were everywhere, most of all in the public schools. These schools still used the McGuffey's Readers or similar text filled with tales of hard work, morality, and religion. They still celebrated Christmas and Easter as school holidays worthy of major in-school recognition, and they that taught a version of Protestantism and of Americanization in which the two were hard to distinguish. There might be warning clouds on the horizon, but in in much

of America from the 1870s to the 1920s, white Protestant American parents sent their children to school confident that their faith in Protestant values and America's virtue would be reinforced.

Nevertheless, the signs of change and challenge to this cultural hegemony were easy to see. What had been easy to ignore in 1840 or even 1870 was impossible to ignore in 1890 or 1910. Between 1880 and the beginnings of World War I in 1914, 20 million new immigrants came to the United States, making immigrants 15 percent of the total population. The majority of these new arrivals were not Protestant Christians. At the same time, new and unsettling ideas were stirring. Scholars in Germany were developing an approach to the study of the Bible known as higher criticism that looked at the Bible as a very human creation, not a divinely inspired and infallible gift from God. Sigmund Freud's lectures and writings began to gain recognition in the 1880s, including his belief that faith in God was based on an infantile emotional need for security and, more scandalously, his open acknowledgment of the power of human sexuality. But perhaps most unsettling of all were the ideas coming from England after Charles Darwin published his *On the Origin of Species* in 1859, which challenged the idea that humans were a special creation of God at a specific moment in time as recorded in the Bible.

Many Protestants living on farms, in small towns, and in big cities worried about losing their majority status in the country. They feared that, if American culture, if one's own children, were influenced by dangerous foreign ideas about the origins of the Bible, about sex, and especially about the creation of human beings, the faith on which they built their lives would be weakened. The sense of a loss of Protestant cultural dominance, especially Protestant American control of the education of the young, came to a crisis level in the 1920s, most of all in the dramatic trial in Dayton, Tennessee.

The Changing Face of the American People and Their Religions, 1840–1920

The ethnic and religious makeup of the people of the United States has never been static. As discussed in chapter 4, the nation's Catholic population had been growing since the 1840s, due to the impact of increased European immigration from Ireland and Germany and the absorption into the nation, if not the dominant culture, of the overwhelmingly Catholic residents of the former northern provinces of Mexico in 1848.

If the growing diversity of the nation, based on both immigration and conquest, stirred fears in the 1870s, those nativist fears only deepened as the greatest tide of immigration ever came to these shores between 1880 and 1920. Chinese immigration had started earlier, first to California and then to many parts of the nation, beginning with the Gold Rush of 1849. Initially, the Chinese had

been welcomed as candidates for assimilation. The *Daily Alta California* editorialized in 1852 that "the China boys [*sic*] will yet vote at the same polls, study at the same schools and bow at the same altar as our own countrymen." In these early years, education was seen as the key. If the Chinese could attend public schools, they could be taught to vote and worship correctly. Fairly quickly, however, especially as mining declined and the transcontinental railroad was completed in 1869, the Chinese began to be seen as a threat to white labor, and two centuries of racism toward blacks and Indians expanded to include early Asian immigrants. As the Asian population of the West Coast grew, they were no longer so welcome in society or in schools until in 1906 San Francisco created a segregated school system for Chinese and Japanese children.[2]

Late in the century, Filipino and Korean immigrants joined Japanese immigrants coming to the United States. Chinese immigrants were excluded by law after 1882, but many Chinese also managed to make it in spite of the barriers. Many of these newest Asian immigrants went first to Hawaii, until 1898 an independent nation, which quickly become the most cosmopolitan part of the country when it was annexed in that year. Because of the segregated housing on pineapple and sugar plantations in Hawaii, Asian culture, including Buddhist religious practice, was able to thrive more freely there than in many places. While Chinese immigrants were mostly single men, Japanese and Filipino immigrants often came as families and children followed. With children came new conflicts about education. The white planters in Hawaii, much like their counterparts in the South, feared too much schooling. One plantation manager asked, "Why blindly continue a ruinous system that keeps a boy and girl in school at the taxpayers' expense long after they have mastered more than sufficient learning for all ordinary purposes?" A University of Hawaii student remembered a schooling in which "the children learned about democracy or at least the theory of it." This kind of education led a sugar plantation owner to respond, "We had better change our education system here as soon as possible." Because of Hawaii's racial and cultural diversity, education there has never had the same level of religious assimilationist assumptions as in other parts of the union. But in Hawaii, as elsewhere, the battle over the school's role in preparing for democratic citizenship and for second-class citizenship has been fought for a long time.[3]

From the other side of the planet, Mary Antin arrived in Boston early in the new century as a young girl, a Jewish immigrant from the Russian village of Polotzk, one of the 2 million eastern European Jews who came to the United States between 1880 and 1920. In her romantic but enlightening autobiography, *The Promised Land,* Antin revels in the freedom of America, a freedom symbolized most clearly for her in the public school. Her experience with school was quite different from that of earlier immigrants, for at least two reasons.

The first was the horror from which she had immigrated. She was old enough to remember Russia clearly. "Often we heard that the pogrom was led by a priest carrying a cross before the mob. Our enemies always held up the cross as the excuse of their cruelty to us." Compared to that experience, the United States was a paradise. At the same time, by the 1890s, the public schools, especially in the large urban centers where Jewish immigrants settled, had seen most of the outward trappings of religion removed. Fifty years of struggle by Catholics to remove the most overt Protestant symbols had resulted in schools that, though still sometimes having prayers and other rituals that would seem strange today, were relatively secular compared to the schools of a half-century before or—more important to these new immigrants—to the Russian Orthodox schools of their homeland. As a result, schools spelled liberation. Antin remembered, "Father himself conducted us to school. He would not have delegated that mission to the President of the United States." Here was learning and freedom in the new country.[4]

Antin also reflected a secularism common among many of the first generation of Jewish immigrants. While many held to the orthodox ways, others were caught up in the secular world of socialism and assimilation. Antin remembered the clash that this division caused for her when she decided that she was an atheist. "It was Rachel Goldstein who provoked my avowal of atheism. She asked if I wasn't going to stay out of school during Passover, and I said no. Wasn't I a Jew? she wanted to know. No, I wasn't; I was a Freethinker. What was that? I didn't believe in God. Rachel was horrified. Why, Kitty Maloney believed in God, and Kitty was only a Catholic! She appealed to Kitty. 'Kitty Maloney! Come over here. Don't you believe in God—There, now, Mary Antin!—Mary Antin says she doesn't believe in God!' "

Antin continues the story of how she held her ground, more and more stubbornly, as the faithful of different traditions gathered on the school playground in Chelsea, Massachusetts, to challenge her. The issue was resolved after recess by the teacher who "made me understand . . . that it was proper American conduct to avoid religious arguments on school territory. I felt honored by this private initiation into the doctrine of the separation of Church and State, and I went to my seat with a good deal of dignity, my alarm about the safety of the Constitution allayed by the teacher's calmness." This is more than a charming story. It well symbolizes both the incredible religious and cultural diversity that had come to the schools of urban America by the beginning of the twentieth century and the strange forms that peer pressure as well as institutional pressure could take in these institutions.[5]

Antin can no more be taken as the typical Russian Jewish immigrant than any one story can stand for any immigrant group. The fact that by her early

thirties her autobiography was first published in the *Atlantic Monthly* and then as a book with Houghton Mifflin marks her as exceptional. But the Jewish immigrant experience was different from that of earlier immigrant groups, not easier or harder, but different. The Jewish tradition of learning was part of what held the community together in the oppression of the old world. The daily insults and pogroms of czar and the Russian Orthodox Church meant that there was no romanticism about what had been left behind. And the schools into which these immigrants arrived, though far from respectful of their religion, their culture, or their potential contribution, had been reshaped dramatically from those that sought so overtly to Protestantize the Irish, German, and Latino Catholics of the 1830s and 1840s or that so thoroughly sought to purge all aspects of Native American or Asian life from their charges.

By the beginning of the twentieth century, while immigrant Jews, Catholics, and Asians of several different religious traditions struggled to find a place in the changing United States, many native-born Protestants struggled with their sense of a lost cultural hegemony. Church historian Robert Handy has described the 1920s and early 1930s as the end of the Protestant era in America. Handy noted that this "does not at all mean that Protestant faith and institutions have not carried on," but he made the case that by the 1930s, it was no longer possible to speak of a Protestant America, as it had been in the previous century and a half. It was not easy for many white Protestants to accept their new status as one tradition among many. For some Protestants who entered the 1920s with such high hopes—World War I had been fought to save the world for democracy and the prohibition of alcohol, which was embedded in the US Constitution in 1920, was designed to save the nation from drink—the years after 1920 were difficult. And these difficulties played out on numerous fronts, none more so than arguments about the relationship between religion and schools.[6]

It was difficult for many Protestants to let go of their dominant place in American culture. Leighton Parks, an Episcopal rector in New York City, offered the Episcopal tradition as the great bulwark against a Roman Catholic takeover of the nation. White Protestants, he urged, should protect their heritage and so "cement the spiritual union of the great race of which we form so important a part." Others were more blunt. The Imperial Wizard of the Ku Klux Klan spoke of three "great racial instincts," which were essential to the nation's future: "These are the instincts of loyalty to the white race, to the traditions of America, and to the spirit of Protestantism. . . . They are condensed into Klan slogan: 'Native, white, Protestant supremacy.'" The legislation that led to it and the Scopes Trial itself was one of the last gasps of Protestant, Christian, white, and nativist hegemony. After all, the team of lawyers who

defended Scopes included Jews and represented both the nation's intellectual elite and the hated citadel of New York, while the hero of traditional Protestant religious values, William Jennings Bryan, led the prosecution.[7]

Evolution and Natural Selection: New and Troubling Ideas, 1859–1920

Charles Darwin, an English naturalist and geologist, published *On the Origin of Species by Means of Natural Selection, or the Preservation of Favoured Races in the Struggle for Life* in 1859. (By races, Darwin meant species of animals, though later in the century some, but not Darwin, came to look at racial differences among humans.) The book was written for a general audience, and it had an immediate effect, especially in England and the United States but soon around the world. Darwin had been developing his ideas for decades since his studies at Edinburgh University in the 1820s and his travels to South America on the ship *Beagle* in the 1830s, when the opportunity to see many new species but also the fossils of others such as huge armadillos led him to conclude that species might not be fixed. After a great deal of further research, study, and writing, Darwin was ready to publish. The key conclusion of the book, which was based on his years of observation, was that all of nature was a great competition to survive or as he later said, a matter of the "survival of the fittest." So he continued: "Owing to this struggle for life, any variation, however slight and from whatever cause proceeding, if it be in any degree profitable to an individual of any species . . . will generally be inherited by its offspring." The result, Darwin concluded, was that all new developments in plant and animal life are a result of change over the long ages of life and not likely the result of any divine creation. Darwin did not say much about humans in the original book. Only with his 1871 book *The Descent of Man* did he make clear the implication that had been there from the beginning; he saw humans and apes as both the result of evolution from earlier life forms like all other living things.

The religious implications of Darwin's work were troubling, especially for Protestants who as a rule took the Bible as a relatively accurate account of human origins even if they were not among those who believed that every word of scripture was to be taken literally. Darwin concluded that natural selection was both random and often cruel and left little room for a beneficent creator. His chief English defender, T. H. Huxley, was "sharpening up my claws and beak in readiness" for a battle with Christianity.

In the United States, however, Asa Gray, professor of botany at Harvard and a friend and confidant of Darwin who arranged for the publication of *On the Origin of Species* in the United States, saw no conflict between that work and his own Protestant faith. Gray told a group of Yale seminarians that "the

forms and species, in all their variety, are not mere ends in themselves, but the whole a series of means and ends, in the contemplation of which we may obtain higher and more comprehensive, and perhaps worthier, as well as more consistent views of design in Nature than heretofore." God's grand design, for Gray, could be seen as effectively in evolution as anywhere else. Gray not only spoke to seminarians his *Elements of Botany* was the major high school botany text of the late nineteenth century. In the post-Darwin editions of his text, Gray described plant evolution as a way of showing that the various species are "all part of one system, realizations in nature, as we may affirm, of the conception of One Mind." The 1884 high school geology text written by University of California geologist Joseph LeConte described the field as "a history of the evolution of the earth and of its inhabitants." Nevertheless, LeConte saw no conflict between his liberal Christianity and his views of geology and warned his students against being caught up in worry about reconciling the details between the differing views of creation.[8]

Few students, whatever their faith or lack of faith, were likely to be offended by these kinds of texts. Few parents were likely to be worried about having their children read this sort of material. So, for the most part, nineteenth-century theologians and scientists seemed determined to avoid a fight. It would not be so easy in the twentieth century, and schools became the primary location in which these theological and scientific battles were waged.[9]

In the early twentieth century, a new next generation of American scientists and textbook authors moved beyond the genial approach of Gray, LeConte, and their colleagues. Recommending basic curricular changes that led to the consolidation of high school botany and zoology courses in a unified biology curriculum, the journal *School Review* carried a recommendation in 1900 that "the fundamental theory of the evolution of organized life and an explanation of the powers of 'natural selection' should surely be unfolded when data enough have been mastered to make it intelligible." *Elementary Biology*, published in 1912 by James E. Peabody and Arthur E. Hunt, made its perspective clear. After describing "the struggle for existence," the text continued with a picture of Darwin and a description of "his great book on the 'Origin of Species,' published in 1859—a book which has doubtlessly influenced human thought more than any other book of modern times."

In 1914, in a nationally circulated article for high school science and mathematics teachers, a teacher named Oran L. Raber stated that it was their duty to their students "to correct for them some of the ideas which previous training in the Sunday school or home has led them." This may have been good science, but it was a historic break with the expectation that many Protestant churches and parents had placed in the public schools. The textbook that John Scopes used in the biology classes that led to his trial, George William Hunter's *A Civic*

Biology, was also quite clear. In Hunter's version, "Species have been modified, during a long course of descent, chiefly through the natural selection of numerous successive, slight, favorable variations." Hunter attributed these views to Darwin, and he left little room for creation by a higher power.

The issue of the randomness of the natural selection process, far more than the numbers of days, years, or millennia involved, was at the heart of the battle between the scientific and the religious worlds. Although nineteenth-century textbooks sidestepped that issue, the new texts emerging after 1900 did not.[10] And while the full implications of Darwin's theory of evolution was dawning on the scientific community, and making its way into the textbooks that America's young people were reading, another development within American Protestantism was making a collision more likely and virtually ensuring that when it came, the battle would be fierce.

Conservative Protestantism and the Birth of Fundamentalism, 1890–1920

In the years before and after 1900, many American Protestants began to rethink their theological views in light of the changes that were happening all around them. A movement known as fundamentalism was one of the results. Fundamentalism was a new development in the late nineteenth century. From the perspective of the twenty-first century, it is easy to assume that fundamentalism had been part of Protestantism from the beginning or to confuse it with the evangelical Protestantism that was a dominant force in the nineteenth century. But these are not all the same thing.

It is not necessary to explore all of the issues or the debates surrounding the very significant theological change that began to emerge in post–Civil War United States to understand the basic shape of what happened. Some date the beginning of fundamentalism with the publication of the essays *The Fundamentals*, published in twelve volumes between 1910 and 1915. However, the religious historian George M. Marsden is correct in describing these books as "a symbolic point of reference." "When in 1920 the term 'fundamentalists' was coined," Marsden also wrote, "it called to mind the broad united front of the kind of opposition to modernism that characterized these widely known if little studied volumes." While most Protestants before 1900 assumed that the Bible was a relatively accurate historical record and a gift from God, it was only the development of the so-called higher criticism that claimed the Bible was a very human creation, linked to uncertainty about the wide ranging cultural changes of the times that led a movement as rigid as fundamentalism to take the form it did.[11]

Fundamentalism grew as a religious wing of many of the Protestant denominations—initially in the urban North, only later in the rural South. The great late-nineteenth-century revivalist Dwight L. Moody, certainly an

evangelical but not a fundamentalist, dismissed a potential clash between science and religion, seeking, as he always did, to shift the focus to individual salvation and skip the arguments. Moody was far from alone in his accommodationist views. While as early as 1874 Princeton theologian Charles Hodge had declared Darwinism "virtually a denial of God" and urged against allowing it in biology classes in religious colleges, in the 1870s and 1889s, most other Protestants were more permissive and initially far less fearful of Darwin.

Essays in *The Fundamentals* made room for evolution. James Orr, author of some of the key essays in these volumes, had earlier written "assume God—as many devote evolutionists do—to be immanent in the evolutionary process, and His intelligence and purpose to be expressed in it; then evolution, so far from conflicting with theism, may become a new and heightened form of the theistic argument." Orr continued this line in his essay for *The Fundamentals* by saying that evolution was "coming to be recognized as but a new name for 'creation.' " And even Bryan, in his years of campaigning for the presidency, made it clear that while he personally rejected evolution, "I do not mean to find fault with you if you want to accept the theory."[12] By the early 1900s, many fundamentalists were taking a tougher line on evolution, on modernism in psychology or biblical study, and on the increasingly diverse society in the United States, which they saw as both alien and sinful.

George M. Marsden, the foremost historian of fundamentalism, outlined what came next: "Between 1920 and 1925 fundamentalism took shape as a movement distinct from its antecedents and representing more than just the sum of the sub-movements that supported it. It flourished on two fronts. In the major denominations fundamentalists battled against those who denied or would tolerate denials of, the fundamentals of the traditional faith. In American culture as a whole they fought to a stop the teaching of evolution in the public schools. Marsden outlined the reasons why the new fundamentalist movement too these steps."[13]

Fundamentalism was specifically antimodernist. In part, this meant that its adherents rejected modernism in theology and the emerging higher criticism of the Bible. Where theological modernists sought to understand the Bible in the social context in which it was written and apply its teachings in the contemporary context, fundamentalists focused on the unchanged word of God and became increasingly literalistic in their insistence that the Bible was specifically and infallibly God's word. It is important to note that fundamentalist leaders, contrary to most current stereotypes, have never been anti-intellectual. They engaged in very thorough research and linked piety with rigorous theology. They just came to intellectual conclusions that were far from the mainstream of the modern world. Although its literalistic side is perhaps best known, fundamentalism was also antimodern in another equally important way.

Since the Puritan era, American evangelicals had been believers in progress. For many, America was the place where the Kingdom of God would finally and fully blossom. The eighteenth-century Puritan theologian Jonathan Edwards was specific in his view that this was true and most nineteenth-century evangelicals were equally optimistic about the future. Fundamentalists had none of this hopefulness. It was one of the differences that most set them apart from their evangelical predecessors and from liberal Protestants of their own day. Leaders of the new movement distrusted the social message that progressive Protestants had been advocating for the past two centuries. They called an emphasis on the social implications of Christianity as perhaps "Christian in spirit" but something that failed to keep the primary focus on individual conversions that would lift "society as the usual social service program can never do." It was a significant shift from an optimistic belief in Christianity's role as the ultimate agent of social and moral reform to a much more defeatist attitude toward culture and a desire to save as many individuals as possible for a better future life. With the growth of radical and atheistic ideologies and the victory of atheistic Communism in Russia at the end of World War I, and with the resistance to the prohibition of alcohol in the United States, which many Protestants had so long advocated, and after 1920, the open flouting of the prohibition laws, this pessimism hardened into a deep distrust of all aspects of the modern world. And while fundamentalism originally began among Northern city preachers and teachers, it took on deep roots in the rural South. After the 1920s, at least one significant aspect of fundamentalism was that it "was a focal point for the real hostility of rural America toward much of modern culture and intellect."[14]

Finally, fundamentalism was a fighting faith. In this sense, it had roots deep in Christianity's aggressive rejection of sin. The militant side of fundamentalism grew rapidly in the twentieth century. Whereas Moody, who died in 1899, could say of his opponents "Let us hold truth, but by all means let us hold it in love, and not with a theological club," a fundamentalist successor, Reuben A. Torrey, took a different approach saying, "Christ and His immediate disciples immediately attacked, exposed and denounced error. We are constantly told in our day that we ought not to attack error but simply teach the truth. This is the method of the coward and trimmer; it was not the method of Christ." And after 1920, few errors attracted fundamentalists more than the teaching of evolution in public schools that were the primary source of their children's education and were supported by their tax money.[15]

Fundamentalism had theological roots and should not be dismissed as merely a response to modernism in biblical thought or science. But fundamentalism grew in popularity in large part because it arrived on the scene at a time when many white Protestant Americans saw their cultural dominance reced-

ing rapidly in an increasingly diverse nation and their beliefs under siege. They needed a new theological framework to account for their changing status and fundamentalism provided it. These Protestants found in fundamentalism a faith reassuring in its specific antimodernist stance, hostile attitude toward change, and militant approach to sin. By 1925, observers should have seen the explosive collision between the new developments in science and the new developments in faith coming.

William Jennings Bryan: Defender of the Faith, 1860–1925

William Jennings Bryan is remembered today mostly for his role in the Scopes Trial. But that is not how he was known in his own day and certainly not through much of his life. In the years between his dramatic appearance on the national stage in 1896 and the 1925 trial, most Americans viewed Bryan as a radical who sought a better chance for the "common man" and significant restraint on the nation's wealthy. He spoke of turning the economy upside down. The poet Vachel Lindsay called him the "prairie avenger, mountain lion," who was "speaking like a siege gun" to those in power in Gilded Age America. While some may think that the young Bryan was the political radical who later in life turned into a conservative religious figure, in fact he was always both. Bryan's conservative religious views were always the foundation of his radical politics.

Bryan first became known to a national audience with his 1896 speech to the Democratic National Convention that almost overnight moved him from relatively obscure former congressman to his party's nominee for president of the United States. In that speech, he demanded an end to the monetary policy that decreed that all printed money had to be backed by gold in the government vaults, which severely limited the number of dollars in circulation and especially hurt poor workers and poor farmers who needed access to more dollars, even if inflation was the result. He objected to the power of gold and to those who held the gold. He ended the speech: "If they dare to come out in the open field and defend the gold standard as a good thing, we shall fight them to the uttermost, having behind us the producing masses of the nation and the world. Having behind us the commercial interests and the laboring interests and all the toiling masses, we shall answer their demands for a gold standard by saying to them, you shall not press down upon the brow of labor this crown of thorns. You shall not crucify mankind upon a cross of gold." It was more than rhetoric. The Jesus of his Christian faith was the poor carpenter and his commandments were to take care of the poor and the marginalized. This belief made Bryan a threat to capitalist America.

Bryan's opposition to evolution also began early and was always linked to his political creed. Some of the best known of those whom Bryan saw as the

hoarders of gold in the United States, such as John D. Rockefeller and Andrew Carnegie, may never have read *On the Origin of Species*, but they were fond of quoting Darwin to justify their monopolies that drove others—others they presumed were less fit—out of business. Such Social Darwinism, which justified the survival and dominance of those who considered themselves the fittest, made Bryan, who despised Rockefeller and Carnegie, despise Darwin and evolution.

Edward Alsworth Ross, a founder of the modern academic discipline of sociology, taught at the University of Nebraska and got to know the already-famous Bryan while he was there. He described one evening: "My wife and I dined with the Bryans at their home one Sunday in 1905 when he had just been reading Darwin's *Descent of Man*. He held that such a conception of man's origin would weaken the cause of democracy and strengthen class pride and the power of wealth." Ross understood that the issue for Bryan was Social Darwinism, not the biological sciences that held little interest for Bryan. For Ross, Bryan "was as healthy-minded a man as I have ever known. . . . Too bad that in his later years he led an attack upon one of the most devoted and defenseless groups in society—the biologists!"[16]

An early Bryan biographer gave a slightly more complex response to his opposition to teaching evolution. Wayne C. Williams wrote in 1936 that the conservative Christian Bryan worried about the impact of evolution on people's faith. He quoted Bryan's wife, who remembered that her husband "became convinced that the teaching of Evolution as a fact instead of a theory caused the students to lose faith in the Bible."

There was another reason for Bryan's views, Williams noted. After losing the presidency for the third time in 1908, Bryan backed the 1912 Democratic nominee, Woodrow Wilson, who won and rewarded Bryan with the highest office in the cabinet, secretary of state. Bryan served as US secretary of state from 1913 to 1915, during the early years of World War I in Europe. He reluctantly resigned the position, which he loved, in May 1915 because he became convinced that President Woodrow Wilson's actions were going to lead the United States into the war, and Bryan thought that the United States had no business being part of Europe's wars. It was a principled position that cost him dearly. But Bryan had seen enough in his two years in office to thoroughly distrust imperial Germany. He had read the reports of Vernon Kellogg, an American diplomat who described meetings with German leaders early in the war and reported their belief in a creed of "natural selection based on violent and fatal competitive struggle."[17]

Bryan's experience in 1914 and 1915 as the chief American diplomat hearing what amounted to Social Darwinism used by imperial Germany to justify their attacks on Belgium and France was just what he feared would be the re-

sult when he first read Darwin in 1905. It settled his mind. By the 1920s, stopping the teaching of evolution as science was Bryan's chief campaign.

John R. Mott, a close confident of Bryan's and a leader in the social gospel movement, tried to convince Bryan that it was the wrong fight and that, if he took it on, he would lose the intelligentsia for his religion and his politics. Mary Bryan asked her husband, "Can you control your followers?" who wanted to take the antievolution crusade farther than Bryan. (Neither Bryan or his wife objected to teaching evolution as a theory; only as settled fact.) But Bryan was confident that he was in the right, and he would not be dissuaded.

In 1921, Bryan added two new speeches to his repertoire, "The Menace of Darwinism" and "The Bible and Its Enemies." Bryan charged that believing evolution was not based on sufficient science and that Darwin "does not use facts; he uses conclusions drawn from similarities." In "The Bible and Its Enemies," Bryan went on to say that belief in evolution "leads people away from God." He also saw Darwin as linked to a survival-of-the-fittest worldview that justified war and, indeed, had laid "the foundations for the bloodiest war in history"—World War I. Finally, Bryan saw in Darwin an attack on the rights of labor and all of the social legislation he had sponsored over thirty years. Much earlier, he had seen in Darwin "the merciless law by which the strong crowd out and kill off the weak." For someone who had opposed capitalist robber barons for his whole career, a new justification for their greed was something to oppose. Bryan's opposition to Social Darwinism had as much resonance with his Southern and rural audiences, who felt oppressed by the same national corporations, as by any arguments about correct biology.[18]

In response to the increased attention given to evolution in textbooks, Bryan proposed that "in schools supported by taxation we should have a real neutrality wherever neutrality in religion is desired." Far from being the buffoon he has often been characterized as, Bryan had a fairly nuanced approach to the issue. Unlike later "creationists," as opponents of teaching evolution came to be called later, he sought only to ban the teaching of human evolution, not plant or animal evolution. He believed that a respect for religious diversity meant that the Genesis account could not be taught in the schools. But he did insist that "if the Bible cannot be defended in the schools it should not be attacked, either directly or under the guise of philosophy or science." His goal, unlike that of some of his supporters or those calling for the teaching of creationism in latter decades, was simply silence on the issue.[19]

Bryan was far from alone in campaigning against the teaching of evolution in the schools. As a three-time presidential candidate, he was certainly the best-known person in the antievolution campaign, but in the 1920s, a range of preachers and laypeople were telling church and political audiences that the teaching of evolution must be stopped. Initially, Bryan advocated moral pressure

on school boards. However, when the Kentucky Baptist State Board of Missions called for outlawing the teaching of evolution in the state's schools and when a bill to do just that was introduced in the legislature in January 1922, Bryan endorsed the action. These bills linked Bryan's long-standing support for public education with his majoritarian and antievolutionist views. As he said, "Those who pay taxes have a right to determine what is taught; the hand that writes the pay check rules the school." And Bryan was confident what these hands would want. Similar antievolution bills were introduced in New York and Minnesota in 1922. While some states moved more slowly, Oklahoma was the first to act in 1923, when a textbook bill was amended to prohibit any mention of evolution in state texts. Before the end of the 1920s, forty-five similar bills were filed in twenty states. These bills passed not only in Oklahoma but also in Kentucky, North Carolina, Florida, and Tennessee.[20]

Tennessee came somewhat late to the issue. The antievolution bill was introduced in the legislature in the spring of 1925, along with other measures to increase school funding. Known as the Butler bill for its primary sponsor, the bill said that it was "unlawful for any teacher in any of the Universities, Normal and all other public schools of the State which are supported in whole or in part by the public school funds of the State, to teach any theory that denies the story of the Divine Creation of man as taught in the Bible, and to teach instead that man has descended from a lower order of animals." The Butler Act passed both houses of the legislature. When a somewhat reluctant Governor Austin Peay signed the legislation on March 21, 1925, he said: "Right or wrong, there is a deep and widespread belief that something is shaking the fundamentals of the country, both in religion and morals. It is the opinion of many that an abandonment of the old-fashioned faith and belief in the Bible is our trouble in a large degree. It is my own belief." Peay saw the legislation as a response to a much wider cultural disease and as a symbolic response. It was a way for local people to assert control over their schools and in a sense over their destinies, which seemed increasingly to be shaped by forces from far away. Peay never expected the law to be enforced: "Nobody believes that this is going to be an active statute." He was in for a major surprise.[21]

The American Civil Liberties Union, 1917–1925

During World War I, the federal government, led by President Woodrow Wilson, enacted significant restrictions on free speech, restrictions not seen in the United States in more than a hundred years. The Espionage Act of June 1917 made broadly defined "disloyal conduct" a crime, along with speech or actions that hindered the conduct of the war. Radicals like Emma Goldman and Eugene V. Debs were arrested for speaking against the war. Even one of the most

prowar Americans, former president Theodore Roosevelt, found the restrictions on free speech coming from the Wilson administration to be abhorrent.

The American Civil Liberties Union was born out of an effort to protect free speech during the war "to save the world for democracy." A small group, made up mostly of antiwar pacifists and socialists, created the National Civil Liberties Bureau in 1917 with a specific aim of defending free speech in the United States during the hysteria generated by World War I. When President Woodrow Wilson, a liberal Democrat, called for the Espionage Act that made it a crime to say anything that might obstruct military recruitment or cause insubordination among the troops, many worried about free speech in the country. When the war ended in 1918, the government did not repeal the Espionage Act and similar laws but rather began prosecuting supporters of organized labor and friends of the Russian Revolution. In response, the bureau, which had once been seen as a temporary organization, reorganized itself as the American Civil Liberties Union (ACLU) to defend free speech and minority rights for pacifists, labor organizers, other political radicals, and schoolteachers. As an ACLU historian said of its founders, "They now began to see that majority rule and liberty were not necessarily synonymous and thus discovered the First Amendment as a new principle for defending human freedom."

The ACLU took on many free speech cases. They joined forces with the American Association of University Professors and the Teachers Union of New York and added concern about academic freedom in universities and among public school teachers to their agenda. Though they worked hard, in the first six years of its existence, the ACLU did not win a single court case. By 1925, they were looking for a winner. In the new antievolution legislation being passed across the country, they saw both an important free speech issue and a winning case.[22]

By the time of the Scopes Trial in 1925, the sixty-eight-year-old Clarence Darrow was the most famous lawyer in the United States. Born in Ohio, Darrow came to fame as a Democratic Party spokesperson and Chicago-based attorney in the 1890s. In 1896, like many on the American left, Darrow spent most of the year campaigning to elect the Democratic nominee, William Jennings Bryan, as president. After Bryan's defeat in the November election, Darrow returned to defending some of the country's most radical labor leaders against charges ranging from support for strikes the government deemed illegal to more violent acts.

Before campaigning for Bryan, Darrow had defended the labor leader and socialist leader Eugene V. Debs who led a strike of the workers at the Pullman railroad car factory in 1894, even after a federal injunction called for an end to the strike, and was jailed for his actions. From 1906 to 1908, Darrow was

defense attorney for "Big Bill" Haywood and two of his colleagues in the leadership of the Western Federation of Miners who were accused of arranging the murder of Idaho governor Frank Steunenberg. Darrow won the case. In 1911, Darrow defended James and John McNamara who were accused of blowing up the Los Angeles Times building while the newspaper was engaged in a bitter strike. Darrow's radical politics and his fame as a litigator not only added strength to the ACLU cause but also guaranteed that the trial would get the maximum publicity possible.[23]

The Town and the Trial: Dayton, Tennessee, 1925

The story of the trial of high school biology teacher John Thomas Scopes for teaching evolution in Dayton, Tennessee, in spite of the new state ordinance specifically prohibiting such teaching, has been told often and well. Edward J. Larson's *Summer of the Gods* probably represents the best account. The basic outline of the trial is straightforward. Given its commitment to challenge state evolution laws in court, with the passage of the Butler Act in Tennessee in March 1925, the ACLU set out to find a test case in that state. In May 1925, it placed an advertisement in the Chattanooga *Times*: "We are looking for a Tennessee teacher who is willing to accept our services in testing this law in the courts. . . . Distinguished counsel have volunteered their services. All we need now is a willing client." They soon found their client in John Scopes.[24]

When they read the ACLU advertisement, a group of Dayton boosters, led by George Rappleyea, manager of the local mines, was offended by the anti-evolution law, but he also thought Dayton needed the publicity. The small East Tennessee town had fallen on hard times by 1925. Its population had fallen from an 1890 high of 3,000 to less than 1,800. Rappleyea went down to the local drugstore to speak to Fred E. Robinson who was chair of the county school board. Rappleyea and Robinson contacted two brothers, Herbert E. Hicks and Sue K. Hicks, the town's attorneys, who agreed to prosecute if they could find a teacher willing to be prosecuted. As he reported in his own autobiography, John Scopes remembered being invited to meet with the four. When they gathered, Rappleyea said, "John, we've been arguing and I said that nobody could teach biology without teaching evolution." "That's right," Scopes said, although he was not sure what Rappleyea was leading up to or what was coming next. The young teacher found out soon enough. The foursome pointed out, "You've been violating the law." And the crucial question, "Would you be willing to stand for a test case?' Scopes was single and had no plans to spend the rest of his life in Dayton. He attended the local Methodist church but as much for the chance to socialize as for the religion. He agreed. The Hicks brothers had a willing candidate to prosecute. The lead ACLU at-

torney Arthur Garfield Hays said of him, "We could not have improved on the individual."[25]

In fact, Scopes, like every biology teacher in the state, had no choice but to break the law. The only question was which law he was going to break. On the one hand, the state of Tennessee mandated that the high school textbook for biology was George William Hunter's *A Civic Biology* published by Ginn and Company. Hunter's text was clear on the topic of evolution: "Species have been modified," the author said, "during a long course of descent, chiefly through the natural selection of numerous successive slight, favorable variations." Modification through natural selection is, after all, the essence of Darwinian evolutionary theory. On the other hand, the state legislature of Tennessee had now passed the Butler Act prohibiting the teaching of evolution in the classrooms of the state. Scopes elected to follow the curriculum and break the antievolution law. After volunteering to serve as a test case, the Hicks brothers officially charged Scopes with the crime of teaching evolution.

Of course, there could no trial about the high school curriculum if there was not also a high school, the curriculum of which might be subject to a fight. Throughout the nineteenth century, only a tiny fraction of Americans had any formal education beyond what we call elementary school; then usually called common school or just school. But by 1900 that was changing.

High school textbooks that were at the heart of the curricular fight were in far wider use in 1920 than they had been before 1900. Even as biology textbooks were changing, they were also being read by larger number of Americans in a greater variety of places than ever before. Emerging out of the earlier college preparatory academies in the nineteenth century, the American high school remained an institution serving a very small and elite portion of the nation's young people. After 1900, however, the high school became the natural culmination of the common school rather than an elite educational experience. In 1890, the federal government recorded 200,000 students enrolled in all of the nation's high schools. By 1920, the number was almost 2 million. Thus, by 1925, it was much more likely that many people's children, including the children of rural fundamentalists or others who might be uncomfortable with evolution, would enroll in high school and study the new science texts than it had been in their parent's generation.

Dayton, Tennessee, for example, opened its first high school in 1906. In 1925, the year of the trial, Tennessee governor Austin Peay, who signed the antievolution law, said, "High schools have sprung up throughout the state which are the pride of their communities." High schools might be the pride of their communities, but they were also troubled institutions. It was unlikely that an elementary school curriculum would include detailed lessons on evolutionary

biology. The high school curriculum could not avoid the topic. For many parents and community leaders, these new institutions, which they were so proud to have their children attend, suddenly seemed to be teaching a set of theories about the creation of the world, the beneficence of God, and the origins of the human race in opposition to the faith in which they believed.[26]

As more and more young people attended high school, more and more parents, ministers, and politicians began to worry about what they were being taught. When they looked at Hunter's *A Civic Biology*, they did not like what they saw. Hunter was a teacher at DeWitt Clinton High School in New York, then a very prestigious school. He also worked closely with biologists and geneticists at Columbia University. When he wrote, "Species have been modified, during a long course of descent, chiefly through the natural selection of numerous successive, slight, favorable variations," he wrote words that greatly troubled people such as Bryan but also parents of high school students in many parts of the country like Dayton, Tennessee.[27]

Dayton got quite a show with what some called "the trial of the century." The trial had to be moved out of the courthouse and onto the lawn to accommodate the crowds. Vendors sold lemonade during the proceedings. Perhaps no trial in the first half of the twentieth century received as much publicity. For all of the hoopla, however, the legal results were quite limited. As everyone knew would happen, Scopes was found guilty—he had clearly broken the letter of the law—and was fined $100. Higher courts in Tennessee overturned the case on a technicality, which ensured that the ACLU could not have its dream of an appeal to the US Supreme Court. The trial's impact was not in legal but in cultural, religious, and educational circles.

Darrow's withering questioning of Bryan, who appeared as an expert for the prosecution, allowed Darrow to make a fool of Bryan and, by implication, of religious fundamentalism—if not in the eyes of the Dayton jury or the trial's immediate audience, at least on the national stage. Bryan started explaining scripture but fell back on a seemingly lame "I believe in creation as there told, and if I am not able to explain it I will accept it." He held his ground, insisting "the only purpose Mr. Darrow has is to slur the Bible, but I will answer his questions." Darrow responded, "I am examining your fool ideas that no intelligent Christian on earth believes."

In his nationally syndicated newspaper column, from which many Americans learned about the trial, H. L. Mencken made no pretense at objectivity. He ascribed the roots of the case to "the old mountebank Bryan first invaded the State with his balderdash," and he concluded:

> The Scopes trial, from the start, has been carried on in a manner exactly fitted to the anti-evolution law and the simian imbecility under it. There hasn't been

> the slightest pretense to decorum. The rustic judge, a candidate for re-election, has postured before the yokels like a clown in a ten-cent side show, and almost every word he has uttered has been an undisguised appeal to their prejudices and superstitions. The chief prosecuting attorney, beginning like a competent lawyer and a man of self-respect, ended like a convert at a Billy Sunday revival [Sunday was the nation's leading revivalist at the time and a fundamentalist]. It fell to him, finally, to make a clear and astonishing statement of the theory of justice prevailing under fundamentalism. What he said, in brief, was that a man accused of infidelity had no rights whatever under Tennessee law. Darrow has lost his case. It was lost long before he came to Dayton. But it seems to me that he has nevertheless performed a great public service by fighting it to the finish and in a perfectly serious way.[28]

It was not a report designed to win thoughtful consideration of the issues.

Outcomes and Impact, 1925–2005

Just as Mencken hoped would be the case, Bryan's reputation never recovered from the trial, and fundamentalism, indeed all of the rural South and the conservative religion associated with it, became stereotyped in much of the country as anti-intellectual and fearful of any forms of scientific thought. Mary Bryan had warned her husband that the antievolution crusade could easily shift from an effort to focus on the curriculum of the schools to a conservative assault on individual freedom that the Great Commoner could never support. Bryan was more confident than his wife that he could control the trial's outcome. But the result of the trial was a tarnishing of fundamentalism for decades to come. Religious fundamentalism retreated from the national stage for almost half a century after the trial, growing in local churches and spreading through evangelists but avoiding the national spotlight. For many commentators, at least through the 1970s, the Scopes Trial was the high-water mark of a religious fundamentalism that seemed doomed to the margins of society.[29] But there was more, much more. In fact, many of the core issues that were raised by the Scopes Trial are not at all resolved even ninety years later. Anyone looking at the impact of the Scopes Trial on school curriculum must conclude that the fundamentalists won more than the liberals. John Scopes committed his crime simply by citing the approved Tennessee biology text, *A Civic Biology*, which, in conflict with the law, clearly described the evolutionary process. He was convicted and paid his fine. And quietly publishers reacted accordingly. As early as 1923, Ginn and Company had changed the description of evolution in their texts from scientific truth to "a theory." After the trial, *A Civic Biology* was changed dramatically. The 1927 edition dropped the identification of Darwin as "the grand old man of biology" and simply listed him as a leading biologist.

All references to human evolution were omitted. Where the earlier edition had described Darwin's "wonderful discovery of the doctrine of evolution," the new edition simply referred to "his interpretation of the way in which all life changes." Most other science texts followed the same course. Curriculum historian Herbert Kliebard has noted how quickly publishers retreat from controversy. After the Scopes Trial, the nation's science publishers certainly retreated very quickly from any seeming endorsement of Darwin or the teaching of evolution. Only with the revival of science teaching in response to fears of the Soviet Union in the late 1950s and the expansion of federal funding for science texts in the 1960s did evolution return to the place it had occupied in the curriculum before 1925. Thus, for more than a quarter century, Bryan had the silence on the issue he had sought.[30]

This lack of attention to the topic of evolution, which reigned for much of the middle of the twentieth century, remains an unnoticed chapter in the history of the uneasy relationship between religion and the public schools. As Kliebard has noted, textbook publishers and many teachers often prefer silence to controversy. In the case of evolution, this was certainly true for many years, and it is still the case in some circumstances. Silence can be a kind of respectful neutrality, but it does not prepare students to be thoughtful citizens, able to engage different opinions and different worldviews and, ultimately, to think for themselves. Only in the last years of the twentieth century did new approaches to the relationship between science education and religion emerged. They are explored in later chapters of this volume. And the nation is still a very long way from a satisfactory resolution of the issue.

Newspapers and textbooks were not the only place that the trial had its impact. While all of the characters in this story were white men, the impact of the Scopes Trial was not limited to them. Doris Stevens, who was the wife of one of the ACLU attorneys but who was in Tennessee to cover the trial as a newspaper reporter noted, "I came all the way from New York to find that the defendant was a man, the prosecutor a man, the judge a man, the jury all men, the attorneys on both sides men. . . . One would think there weren't any women in this world, or that they didn't do any thinking."[31] As Jeffry P. Moran has pointed out in a monograph on the Scopes Trial, this is hardly a complete picture. Within the state of Tennessee, a majority of churchgoing women supported the Butler Act, probably in larger proportions than men and some 70 percent of the petitions to the legislature in favor of the act were from women. Certainly, women played a key role in the creation and maintenance of the culture in which the trial took place. Other women—in Tennessee and nationally—saw that the trial was about more than evolution. It was a battle about social and religious control—of the school curriculum, of what people drank (in an era of prohibition), what people did with their minds and their

bodies.[32] A year after the trial, one young woman, Regina Malone, wrote in the *Forum* that, "no longer do we believe in a Deity molded in the form of a police inspector." And that, it seemed to her, was the deity being defended in Dayton.[33]

In her complaint about the trial, Stevens could also have noted that the participants were not only all men, they were all *white* men. In the run up to the trial, the *Chicago Defender*, one of the major African American newspapers in the country, wrote that the trial was important to African Americans because "anything which conflicts with the South's idea of her own importance, anything which tends to break down her doctrine of white superiority, she fights. . . . [Evolution implies that] the entire human race is supposed to have started from a common origin. Therein lies their difficulty. Admit that premise and they will have to admit that there is no fundamental difference between themselves and the race they pretend to despise.[34] But it is not that simple.

The textbook that Scopes used—George W. Hunter's *A Civic Biology*—the book he was required to use by Tennessee law—not only had a section on the "Evolution of Man" but also had a longer section on eugenics and the "improvement of man" by "applying to them the laws of selection." For most Americans in the 1920s, this was code for maintaining white superiority and power by avoiding any cross-racial liaisons. Eugenics was considered the scientific basis for racism. It had developed in the 1880s when Francis Galton, a cousin of Darwin's, had used Darwin's research to "prove" that survival of the fittest meant that "inferior racial traits" of nonwhite people meant that they could never achieve at the level of their white counterparts. Most of Galton's work was done after Darwin had died, and Darwin never approved of eugenics. Nevertheless, the movement became popular in the United States and the American Eugenics Society was chartered in 1921. We do not know what Scopes thought of eugenics, but if he taught from Hunter's textbook, we know that his lessons supported notions of white superiority.[35]

There is yet another issue that remains every bit as unresolved in the twenty-first century as it was in 1925. Who, ultimately, should decide the school curriculum? In 1925, Bryan was clear who ought to decide. The taxpayers. That is what he meant when he wrote, "the hand that writes the check, rules the schools." he meant was not a check from the federal or state government but rather that the taxpayers. In the case of the Scopes Trial, Bryan insisted that the taxpayers of the state of Tennessee, whose elected representatives had enacted the Butler Act, had the right, through their elected representatives, to decide the curriculum.

Immediately after the trial, Bryan elaborated on this point in an essay "Who Shall Control?" that was published a few months after his death. In that essay, he said:

> The first question to be decided is: Who shall control our public schools? . . . Four sources of control have been suggested. The first is the people, speaking through their legislatures. That would seem to be the natural source of control. The people are sovereigns and governments derive their just powers from the consent of the governed. . . . If not the legislatures, then who shall control? Boards of Education? It is the legislature that authorizes the election of boards. . . . All authority goes back at last to the people; they are the final source of authority.
>
> [But] Some have suggested that the scientists should decide what shall be taught. . . . If the number [of scientists in the United States] is put at eleven thousand, it makes about one scientist for every ten thousand people—a pretty little oligarchy to put in control of the education of all the children. . . . The fourth sources suggested is the teacher. Some say, let the teacher be supreme and teach anything that seems best to him. . . . Professor Scopes, the defendant in the Tennessee case, has a right to think as he pleases—the law does not attempt to regulate his thinking. Professor Scopes was not arrested for doing anything as an individual. He was arrested for violating a law as a representative of the state and as an employee in a school. . . . As an employee, he is compelled to act under the direction of his employers and has no right to defy instructions and still claim his salary.[36]

For anyone committed to academic freedom, Bryan's words are chilling.

During the trial, Dudley Field Malone, an ACLU attorney for Scopes and an admirer of Bryan for whom he had worked when Bryan was secretary of state, asked:

> Are the teachers and scientists of this country in a combination to destroy the morals of the children to whom they have dedicated their lives? . . . The least that this generation can do, your Honor, is to give the next generation all the facts, all the available data, all the theories, all the information that learning, that study, that observation has produced—give it to the children in the hope of heaven that they will make a better world of this than we have been able to make it. . . . For God's sake let the children have their minds kept open—close no doors to their knowledge; shut no door from them. Make the distinction between theology and science. Let them have both. Let them both be taught. Let them both live . . . [37]

In response to that rousing statement, the prosecutor brought the court back to the immediate issue: "Under a correct construction of this act, if the court please, when this teacher teaches to the children of the high schools of Rhea County, that they are descended from a lower order of animals, he has done all that is necessary to violate this act."[38] But that makes us profoundly uncom-

fortable: Do we really think that the curriculum ought to be up for grabs in a populist revolt? Should we have a plebiscite in each community on evolution or sex education or the rights of the lesbian teachers or other controversial issue? Should the teaching of other subjects such as history be matters of popular preference rather than based on the best evidence available? If not, who should decide? How does a democratic society make this work? Should scientists decide the science curriculum and historians the history curriculum, unaccountable to any larger public? Can we really expect to sustain any public support for schools if the public is counted out in curricular debates? This is not an easy issue to resolve.

Should each school board decide on its own about the teaching of evolution or what version of US history ought to be taught or how to handle any other controversial topic? There was a day not that long ago when textbook publishers published "mint julip" history textbooks for schools in much of the South; so that students in the North learned that the Civil War was an heroic fight for freedom while students in the South learned of the heroism of the Lost Cause of the War Between the States if not the War of Northern Aggression. Do we want Kansas to teach creationism and New York to teach evolution and American science to depend on local option? Or do we want Texas to teach a Republican version of US history and California a Democratic version? And if we don't, who decides?

In May 1967, Tennessee finally repealed the antievolution law, though it had never been enforced since the charges were brought against John Scopes in 1925. Although the issue was resolved in Tennessee, that was not, however, the end of the battles about teaching evolution in the schools of the United States. Tennessee had repealed its law, but other states had not. The same month that Tennessee repealed the 1925 Butler Act, the Arkansas State Supreme Court upheld a similar law, and this time the teacher Susan Epperson appealed to the US Supreme Court. As we will see in chapter 8, the issue was alive and well in the late twentieth century and remains so in the twenty-first century.

Prayer, Bible Reading, and Federal Money

The Expanding Role of Congress and the Supreme Court, 1918–1968

In the fifty years following the Scopes Trial, major battles around the relationship between religion and the schools moved from the state to the national level. No one planned it that way. No group seeking a larger or a smaller role for religion in the schools decided after 1925 to move the center of the debate to the federal government. Many people opposed the growing federal role. However, there have always been federal issues with which to contend, whether the 1791 decision to amend the federal Constitution to prohibit a religious establishment, the nineteenth-century alliances of the Bureau of Indian Affairs with Protestant missionary organizations, or the efforts to amend the US Constitution to specifically prohibit governmental aid to Catholic parochial schools after the Civil War. But things changed in twentieth century. Two world wars and the expansion of the federal government during the New Deal led more and more aspects of American life to be adjudicated in Washington, DC. In the case of religion and the schools, two things advanced this reality.

First, the US Supreme Court began to take on a larger role as the appeal of last resort in determining just how the separation of church and state should be applied in school cases. Beginning in the 1920s and expanding rapidly in the 1940s and 1950s, the court took on a number of cases, culminating in its 1947 ruling in *Everson v. Board of Education* that, in cases of religious freedom, the Fourteenth Amendment did in fact apply the freedoms of the First Amend-

ment to local as well as federal decisions. The court's role expanded further in the highly debated decisions in 1962 and 1963 ending devotional prayer and Bible readings in the schools.

Second, the long national debate over whether the federal government could provide financial aid to public schools—a goal long blocked over states' rights issues in regard to race and over Protestant/Catholic disagreements regarding aid to parochial schools—was finally resolved with the passage of the Elementary and Secondary Education Act (ESEA) as part of President Lyndon Johnson's Great Society in 1965. In customary fashion, Johnson and his advisers simply sidestepped the parochial school question by having federal resources follow the child rather than go to the school. With the power of the court's decisions and with the significant increases in congressional funding after 1965, the federal government seemed destined to play the leading role in many aspects of public education, especially the church-state struggles, for some time to come.

Public Schools and Protestant America

While the political crusading of fundamentalism went underground for a generation after the Scopes Trial, a surprising coalition of educational progressives—who were nearly all Protestant or the children of Protestants—and more conservative groups, sought to win control of the schooling of America's children during World War I and through the 1920s. For many Protestants, conservative or not, the belief that the United States was basically a Protestant nation died hard. On numerous occasions throughout the 1920s, schools became the battleground for efforts to maintain the Protestant ascendancy.

As early as 1915, some of the leading voices in the progressive education movement, which then dominated American education, came together in what they called the Cleveland Conference. As Charles Judd, dean of education at the University of Chicago and leader of the conference said, their agenda was a "positive and aggressive task . . . of a detailed reorganization of the materials of instruction in schools of all grades." Judd and colleagues like Ellwood Cubberley of Stanford; George Strayer of Teachers College, Columbia; and Frank Spaulding of Yale—some of the leading names in progressive education at the time—had great confidence in their own ideas and leadership. At their respective institutions, they trained many of the nation's school superintendents, and their ideas permeated national organizations such as the National Education Association (NEA), which was then made up of superintendents and education professors and was not the union of teachers it would later become.[1]

Historians David Tyack and Elisabeth Hansot describe the generation of educational leaders who emerged at the beginning of the twentieth century. They called these leaders "administrative progressives": "The members of the

'educational trust' (as the administrative progressives were sometimes called) embraced the new managerial models developed in business. Rarely self-conscious about their cultural assumptions, they incorporated many of the values of their small-town pietist upbringing into what they regarded as an objective 'science of education.' They sought legitimacy through expertise rather than through deference to character or through broad public participation in policy making." These new twentieth-century leaders, with their confidence that "they possessed the instruments of scientific progress that would enable them to shape society towards 'ever nobler ends,' " continued to operate as evangelicals in terms of their missionary zeal, but the philosophy they imparted had a secular and scientific ring that suited the intellectual tenor of the new century.[2]

In his book *The Department of Education Battle, 1918–1932*, Douglas J. Slawson provided a fascinating look at the campaign these leaders waged to take control of American education. As Slawson describes it, these progressive educators wanted to create a federal department of education that would unify and "Americanize" the curriculum, provide federal aid to public schools, and enforce compulsory public education. US entry into World War I in 1917 provided the opportunity. When the government instituted a military draft to ensure sufficient fighting men for the war, they found that as many as a quarter of those drafted were functionally illiterate. Some 8 percent could not understand commands, and another 8 percent could only understand commands if they were given in a language other than English. Most of those who fell into these categories were either the children of immigrants or from the rural South, both white and black. It was a crisis that demanded action.

In response, members of the "education trust," under the leadership of George Stayer, moved to bring about the reforms they had long wanted. They proposed elevating the current federal Bureau of Education, which was limited to collecting data about the schools, to a full-fledged cabinet-level department with authority to manage the curriculum and enough funds to make an impact. In July 1918, Strayer told the NEA's annual convention that the time had come for "universal conscription in education" as "the only sensible method of perpetuating democracy, just as universal military conscription is the only democratic method of raising an army." Strayer challenged the NEA to a new level of resolve. "We have been unwilling," he said, "to accept the kinds of discipline and control necessary for a people which is to defend its own freedom and to fight for the establishment of world-democracy." For Stayer, this meant a concerted effort to Americanize immigrants and an end to what he called "the formation and continuation of racial and language groups with ideals and practices inimical to our free institutions." The agenda included English-only instruction and every possible effort to ensure that every child attended a public school where the efforts at Americanization could be most effective.

The NEA had friends in Congress to turn its wishes into policy. In October 1918, Senator Hoke Smith of Georgia introduced legislation to create a federal Department of Education and provide it with an initial budget of $100 million to be used to combat illiteracy and ensure that all American youth understood the "duties of citizenship." Smith had previously sponsored the 1914 Smith-Lever Act that provided federal money for agricultural education and home economics and the 1917 Smith-Hughes Vocational Education Act that funded vocational programs in American secondary schools. He was not a voice to be taken lightly.

Catholic leaders saw the obvious threat in these proposals. Soon after the department was proposed, Father Richard Tierney, SJ, editor of the magazine *America*, ran an article in his magazine warning that a federal department would ultimately lead to state monopoly of education and state mandates for the curriculum. The article also warned that federal aid would expand public schools, making the parochial school system either second rate or too expensive for many Catholic parents. Subsequent articles in *America* warned that, "a Government that can prescribe . . . the studies to be followed by American children, is . . . making all children wards of the State, and all citizens mere puppets in the hateful game of selfish statecraft." *America* acknowledged that Smith's motives were patriotic but said that "his plan embodies the extremist policies of foreign secularism." Other Catholic journals, such as the Boston *Pilot*, echoed these themes.[3]

In part because they were offended by the Catholic response and in part because they shared the agenda of the NEA–Hoke Smith legislation, two other organizations quickly became major advocates of the proposed department. The Ku Klux Klan and the Masons were not usually seen as advocates of progressive education, but in this case, they made common cause with the NEA.

The Ku Klux Klan was founded in the 1870s as a terrorist organization dedicated to fighting the education and political empowerment of African Americans during Reconstruction. Because of tough federal enforcement of civil rights laws, it virtually disappeared, but it was reborn in 1915 initially out of nostalgia for an older South but quickly adopted the same terrorist approach as the original. The new Klan was racist, anti-immigrant, anti-Catholic, and anti-Semitic and used public cross burnings, beatings, lynchings, and targeted boycotts to enforce their ideas, not only in the rural South but through much of the United States. In the 1920s, as many as 5 million Americans may have been Klan members. Klansmen and women saw themselves as defenders of law and order, the Prohibition amendment adopted in 1920, and in general "white, Protestant nationalism." For them, public schools that would teach patriotism were something to support especially if they undermined the hated Catholic parochial school system.

Allied with this effort were many Masons, especially those affiliated with the Southern Scottish Rite. Less overtly racist than the Klan, these Masons were equally committed to their version of patriotism and a united America. In May 1920, the Supreme Council of the Scottish Rite adopted a resolution declaring its support for "free and compulsory education . . . in public primary schools . . . in the English language only . . . as the only sure agency for the perpetuation and preservation of the free institutions guaranteed by the constitution of the United States. . . ." To accomplish this end, the Masons supported the creation of a federal department of education and opposed any effort "to limit, curtail, hinder, or destroy the public school system of our land." In case anyone was unclear on where the Scottish Rite thought the problem lay, its journal, *New Age*, carried a piece that said, "It is a pity, that the Catholic citizens of the United States cannot see the truth of this proposition. The parochial school idea is undemocratic and makes for separation. . . . The principal attacks on the American public school system emanate from the Roman Catholic Church."[4]

In 1922, a coalition of groups in Oregon, including Protestant churches and the Ku Klux Klan, initiated a successful referendum that mandated that, beginning in 1926, every child between eight and sixteen must attend public school. A number of those affected by the law, including the leaders of the state's Roman Catholic parochial schools, appealed to the Supreme Court. In its 1925 ruling, *Pierce v. Society of Sisters*, the US Supreme Court struck down the law on relatively narrow grounds. Choosing not to engage in a discussion of whether the Fourteenth Amendment demanded state as well as federal respect for religious freedom, the justices, in a unanimous opinion, found that the Oregon law would have deprived Catholic and other school organizations of their property rights without due process of law.

While the Pierce case was decided as a property rights case, the conservative Justice James C. McReynolds used it and an earlier case on foreign-language schools, *Meyers v. Nebraska*, to expand the notion of property rights to include the right "to the orderly pursuit of happiness." McReynolds thus insisted:

> We think it entirely plain that the Act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control. The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.

Thus, in unmistakable language, the court made it clear that compulsory schooling did not mean compulsory *public* schooling. The rights of Catholics

or other groups, whether religious or not, to maintain their own schools at their own expense was clearly affirmed. And the next quarter century represented the fastest growth of Catholic parochial schools of anytime in the nation's history.[5]

The Supreme Court's Pierce decision did not end the efforts to create a federal department of education, however. What became the Smith-Towner bill to accomplish the goal of this odd alliance of NEA-Ku Klux Klan, and Masons, was alive and well in every Congress through the 1920s. It never passed and slowly lost support. While some Catholic bishops worried about being seen as antieducation or anti-American, other bishops engaged in a tough fight against the bill and the NEA, which they saw as an anti-Catholic organization. Catholic lay organizations, such as the Knights of Columbus, fought against the bill and especially against the Klan, while the National Catholic Welfare Council challenged the NEA at every step. Opponents of the bill had another set of allies. After 1918, Republicans controlled the Congress, and in the 1920s, three Republican presidents were not interested in expanding any aspect of the federal government, especially aspects that might cost money. President Coolidge made some positive comments about a watered-down version of the bill but took little action. In 1927, while he was still secretary of commerce, Herbert Hoover, who had initially supported the bill, turned against it, saying that while he supported "federal aid to backward areas where there was genuine need," he had come to believe that federal dollars alone was not the goal of the bill's sponsors but rather they "wanted the federal head under every state and county tent" and that level of federal oversight of education was something Hoover would not support.[6]

Finally, the presidential election of 1928 brought all of these fears and hatreds to a new height. The fears of Catholicism, of New York, and of a potential repeal of the federal Prohibition amendment all came together when New York's governor Al Smith won the Democratic Party nomination. While historians have argued that the prosperity of the era should have guaranteed Herbert Hoover's victory over any Democratic nominee, the election brought the fears of many to the surface. One Anti-Saloon League broadside summarized the cultural divide of the campaign: "If you believe in Anglo-Saxon Protestant domination; if you believe in those principles which have made the country what it is; if you believe in prohibition, its observance and enforcement, and if you believe in a further restricted immigration rather than letting down the bars still lower, then whether you are a Republican or a Democrat, you will vote for Hoover rather than Smith." This obscure piece of campaign literature summarized the issues all too well. To be for Smith was to be for increased immigration, which meant more Catholics from southern Europe and more Jews from eastern Europe; to be for Smith meant to be for ending the great experiment

of enforced Protestant morality known as prohibition; and to be for Smith was, most of all, to be for an end to "Anglo-Saxon Protestant domination."[7]

Edwin S. Gaustad, a historian of American religion, noted, it was not merely the loss of racial and religious superiority that threatened American Protestants in the 1920s and 1930s, it was the growing secularization of the nation and of the very institutions in which so many Protestants had placed their greatest trust. Many Protestants, Gaustad wrote, had long trusted : "The school, not the church," to Americanize ethnic minorities and culturally deprived groups." However, by the 1920s and 1930s, the school had ceased to be guided by a Protestant hegemony. A century of secularization had moved the country and its schools very far along a secular road. For those seeking a simpler America—less diverse, less differentiated—the past when Protestant Americans could trust that the public schools would inculcate all children in basic Protestant values now seemed far gone.[8]

The secularization of the public schools was a long and slow process between the 1830s and the 1930s. Even in the 1930s, schools still bore some trappings of religion. But the situation Timothy Smith had described in the 1830s and 1840s in which Protestants could send their children to the public school, "confident that education would be 'religious' still,"[9] was long past.

No less a progressive educator than John Dewey sought to describe what might be a "common faith" for the twentieth century when he published a book by that title in 1934. For Dewey, a new approach to the debates between religious and nonreligious people might be possible if the religious impulse could be separated from its reliance on the supernatural—however conceived—so that "what is genuinely religious will undergo an emancipation . . . then, for the first time, the religious aspect of experience will be free to develop on its own account."

For Dewey, something of this sort was essential if there was to be any religious element left in education. After all, "nothing less than a revolution in the 'seat of intellectual authority' has taken place. . . . There is but one sure road of access to the truth—the road of patient, cooperative inquiry operating by means of observation, experiment, record and controlled reflection." Dewey hoped that the "sure road" he described could lead the human community to fulfill its responsibility in "conserving, transmitting, rectifying and expanding the heritage of values we have received that those who come after us may receive it more solid and secure." Dewey was confident that in this process of cultural transmission of the highest and best of human relationships resided "all the elements for a religious faith that shall not be confined to sect, class, or race." *A Common Faith* was not Dewey's most influential book, but in its gently but clearly stated rejection of all traditional forms of religious faith and relationship with a transcendent being in favor of a commitment to an ethical and

scientific human community, he spoke for many of the educational leaders of his day.[10] He did nothing to reassure those who feared that the new leaders of education had little regard for their traditional values or who, in historian Timothy Smith's words had for a century been "confident that [public school] education would be 'religious' still."

In their review of American educational history, Wayne Urban and Jennings Wagoner, Jr., have noted Dewey's blind spot when it came to other people's strongly held conservative religious views. Like many secular progressives, Dewey could not help seeing a traditionally religious worldview, not as a democratic political right in need of respect but as simply the stubborn reaction of fundamentalists in need of the ministrations of good progressive educators. During World War I, Dewey and a group of his students wrote quite critically of Polish Catholics who supported the American war effort but also the Polish monarchy and the church. He was much more comfortable with the more liberal Polish Jews who also supported the war but who, quite understandably, supported neither monarchy nor Catholic Church. The toleration of beliefs that one considers deeply misguided is one of the most difficult challenges for any true believer in both democracy and religious freedom. Yet without such toleration, a pluralistic, multicultural school, indeed a free society, is impossible. Unfortunately, this tolerance does not come easily.[11]

Franklin Roosevelt's four terms as president were relatively quiet on matters of church and state, religion and the schools. One observer, Gilman Ostrander, saw the New Deal as "a secular movement such as the nation had not witnessed since the days of Jeffersonian republicanism."[12] Roosevelt's administration had deeper links to Dewey's notions of faith than to any of the historic religious communities. President Roosevelt's own inclinations to focus on auxiliary educational agencies, such as the Civilian Conservation Corps and the National Youth Administration, and his distrust of the inherent conservatism of the "educational establishment" meant that he was not likely to push federal funding for schools and therefore not likely to get caught in the historic swamp of battles over aid to parochial schools. He simply did not mean to aid any schools.

As discussed in chapter 5, the New Deal did get into battles over issues of schooling when Roosevelt's commissioner of Indian Affairs, John Collier supported what he called, the "great spiritual stirring [that] had become noticeable throughout the Indian country." Collier's—and Roosevelt's—commitment to support Indian spirituality and their recognition of Indians' rights to religious freedom put them at odds with many of the missionary societies that had worked among the Indians in the previous century. Except for Indian policies, the New Deal leaders had little interest in schooling in general to say nothing of the place of religion in the schools.[13]

The Supreme Court Expands Its Role

While the president and Congress were occupied elsewhere during the New Deal era, the Supreme Court became increasingly involved in issues related to religion and schooling. In 1935, two students, William and Lillian Gobitas were expelled from the public schools of Minersville, Pennsylvania, for refusing to pledge allegiance to the flag. The brother and sister were Jehovah's Witnesses. As good Jehovah's Witnesses, they and their parents believed that the flag was a graven image and that saluting it constituted a breach of the Ten Commandments. William Gobitas wrote to the authorities:

> Dear Sirs, I do not salute the flag because I have promised to do the will of God. That means that I must not worship anything out of harmony with God's law. In the twentieth chapter of Exodus it is stated, "Thou shalt not make unto thee any graven image nor bow down to them nor serve them. . . ." I do not salute the flag [not] because I do not love my country but [because] I love my country and I love God more and I must abide by His commandments. —Your pupil, Billy Gobitas

The ten-year-old student had cut to the heart of the meaning of religious freedom. The courts, however, were slower to catch up.[14]

In previous cases involving Jehovah's Witnesses, judges had tended to rule that "the pledge of allegiance is not, by any stretch of the imagination, a religious rite." The result, for many of that faith, was the development of their own separate schools. In this case, the Gobitases seemed to have a good base for challenging these rulings. Albert Maris, the federal district judge who first heard the case, wrote, "Individuals have the right not only to entertain any religious belief but also to do or refrain from doing any act on conscientious grounds, which does not prejudice the safety, morals, property, or personal rights of the people." The Pennsylvania state school superintendent said that forcing a student to salute the flag was something that might take place in dictatorships in Germany and Italy but not the United States. But Charles Roudabush, the Minersville superintendent, feared that allowing one student not to salute the flag would spread dangerously. "In our mixed population where we have foreigners of every variety, it would be no time until they would form a dislike, a disregard for our flag and country." Probably without knowing it, Roudabush was joining a long line of school leaders who saw the role of the school as transmitting the common culture by Americanizing—which usually included "Protestantizing"—immigrants. To such a worldview, the Gobitas children did, in fact, constitute a serious threat.

The Gobitas family won the case in federal district court, but the school district appealed all the way to the Supreme Court. Unfortunately for the

family, the case came before the highest court in 1940, a time when war fears were raising patriotic fervor, even among the justices. Ultimately, the court ruled against the children. Justice Felix Frankfurter defended the state's need to emphasize patriotism. He also urged people to keep cases of this sort out of the courts. A democratic faith did not rely on courts, he argued, "for the impossible task of assuring a vigorous, mature, self-protecting and tolerant democracy by bringing responsibility . . . directly home where it belongs—to the people and their representatives themselves."

Harlan Fiske Stone, the one dissenting justice, saw constitutional liberty quite differently: "The very essence of the liberty which they guarantee is the freedom of the individual from compulsion as to what he shall think and what he shall say, at least where the compulsion is to bear false witness to his religion. If these guarantees are to have any meaning they must, I think . . . withhold from the state any authority to compel belief or the expression of it where the expression violates religious convictions, whatever may be the legislative view of the desirability of such compulsion." Stone was closer than his colleagues in anticipating the court's future direction, but he was not able to protect the Gobitas children.[15]

In the weeks after the 1940 decision, mobs in several towns attacked individual Jehovah's Witnesses and vandalized their homes and meeting places. At the same time, many others began to see such intolerance as especially wrong in a nation preparing for war with Nazi tyranny. In a highly unusual step, three justices of the Supreme Court used another case, *Jones v. City of Opelika* (1942), to signal their change of heart when they wrote, "Since we joined in the opinion in the Gobitas case, we think this an appropriate occasion to state that we now believe that it was also wrongly decided." It was a signal to bring another case.

When *West Virginia State Board of Education v. Barnette* was heard in 1943, Harlan Stone had become chief justice and the court's makeup and judgments had changed. Justice Frankfurter still argued that religious cases should be left to local preference, stating "the constitutional protection of religious freedom terminated disabilities, it did not create new privileges. It gave religious equality, not civil immunity." But the court's new majority had a different opinion. Justice Robert Jackson wrote, "Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. Compulsory unification of opinion achieves only the unanimity of the graveyard. . . . If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act of faith therein." This ruling went far to protect individual religious conscience and liberty for much of the rest of the century.[16]

The arguments in the Barnette case went to the very heart of the purpose of public schools and especially the relationship of that purpose to religious opinion and religious rights. If schools are ultimately to create a national culture, as defined by certain leaders of the society, then the schools must, by definition, demand conformity. So Jackson argued:

> Struggles to coerce uniformity of sentiment in support of some end thought essential to their time and country have been waged by many good as well as evil men. . . . As governmental pressure toward unity becomes greater, so strife becomes more bitter as to whose unity it shall be. Probably no deeper division of our people could proceed from any provocation than from finding it necessary to choose what doctrine and whose program public educational officials shall compel youth to unite in embracing. Ultimate futility of such attempts to compel coherence is the lesson of every such effort from the Roman drive to stamp out Christianity as a disturber of its pagan unity, the Inquisition, as a means to religious and dynastic unity, the Siberian exiles as a means to Russian unity, down to the fast failing efforts of our present totalitarian enemies.

For Jackson, the issue was clear. "Free public education, if faithful to the ideal of secular instruction and political neutrality, will not be partisan or enemy of any class, creed, party, or faction. If it is to impose any ideological discipline, however, each party or denomination must seek to control, or failing that, to weaken the influence of the educational system." How many battles of the century before or the half-century since might have been avoided if more people had understood this concept?[17]

Ultimately, a democratic system of education must embrace all citizens, with their wide range of opinions and creeds, and make all welcome and ultimately learn from them. To do anything less is always to incite battles to "control, or failing that, to weaken" the public schools of a society in which all citizens play a role, however limited, in creating the society's larger policies.

A second set of Supreme Court cases had far more limited constitutional implications but perhaps wider impact in terms of the number of children and youth involved and the actual day-to-day practice of schools in relation to the teaching of religion. Much earlier in the century, in 1914, William Wirt, the highly respected progressive superintendent in Gary, Indiana, began a program of Week Day Religious Education. WDRE, as it quickly became known, fit very well with Wirt's regimented approach to school organization. Wirt's goal in this gritty new steel town was to make the schools a social and intellectual center for the community. He extended school hours and set up programs to link the schools to playgrounds, parks, gymnasiums, and libraries. Wirt's plan moved students in cohort groups through these different locations and

therefore allowed considerable savings in the construction of school classrooms because each desk and each classroom could serve multiple shifts of students as their colleagues were off in other settings.

As part of student rotations through different kinds of learning, Wirt also wanted to be sure that they studied religion. Aware of how contentious such study could be in a place as diverse as Gary, Wirt turned to the clergy and asked them to develop church-based programs of religious instruction in which students of different creeds could study, in the tradition that they and their parents selected, during school hours. In the years during and after World War I, Wirt's star as a progressive leader dimmed due to problems implementing his grand plans. But the innovation of release time for students, during school hours, to study the religious tradition of their choice was too good a solution to the nation's growing diversity to be allowed to disappear with the rest of the Gary plan.[18]

As a result, school districts across the country that would never have experimented with the Gary plan developed their own WDRE programs. In spite—or perhaps because—of the growing secularism in the larger society, the notion of an hour of school time devoted to religious instruction offered by the religious authorities of the child's own faith tradition, and at no cost to the taxpayers, rapidly grew in popularity. Not surprisingly, the arrangements were also challenged.

In 1940, the school system in Champaign, Illinois, home to the University of Illinois, adopted WDRE. Jewish, Roman Catholic, and Protestant groups made up the Champaign Council on Religious Education, which oversaw the program. Initially, the separate religion classes were taught by Protestant laypeople, a priest, and a rabbi. Students were asked to select Protestant, Roman Catholic, or Jewish instruction for the assigned thirty to forty-five minutes per week. Any student who did not want to attend one of the three programs could be excused. In the Champaign system, local church groups provided the instruction in assigned classrooms within the school buildings.

In the fall of 1945, Vashti McCollum selected Protestant instruction for her ten-year-old son, James. As the year went on, she became uncomfortable with the kind of Protestantism being taught, so for the 1946–1947 year, she decided against having her son receive instruction. In the world of ten-year-olds, nonconformity is not embraced. James felt excluded and harassed. His mother protested and challenged the program in court. She and her attorneys argued "that religious teachers, employed by private religious groups, were permitted to come weekly into the school buildings during the regular hours set apart for secular teaching, and then and there for a period of thirty minutes substitute their religious teachings for the secular education provided under the compulsory education law."[19]

The United States was not a tolerant place in the late 1940s. The McCarthy era in which Senator Joseph McCarthy accused many in and out of government of being communist agents was just beginning. While young James was teased by classmates, his mother was called "a wicked, godless woman, an emissary of Satan, a Communist, and a fiend in human form." The Supreme Court took a more supportive view. Justice Hugo Black wrote the majority opinion in which he said:

> To hold that a state cannot consistently with the First and Fourteenth Amendments utilize its public school system to aid any or all religious faiths or sects in the dissemination of their doctrines and ideals does not, as counsel urge, manifest a governmental hostility to religion or religious teachings. . . . For the First Amendment rests upon the premise that both religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere . . . the First Amendment has erected a wall between Church and state which must be kept high and impregnable. Here not only are the State's tax-supported public school buildings used for the dissemination of religious doctrines. The State also affords sectarian groups an invaluable aid in that it helps to provide pupils for their religious classes through use of the State's compulsory public school machinery. This is not separation of Church and State.

Even Justice Frankfurter, usually so cautious in these kinds of cases, argued logically that "non-conformity is not an outstanding characteristic of children. The result is an obvious pressure upon children to attend." The issue of some form of religious instruction in school buildings during school hours, supported for so long by various groups and by individuals as diverse as Catholic archbishop John Ireland and progressive superintendent William Wirt, seemed to be a closed case.[20]

Interestingly, as in the case of the Jehovah's Witnesses, the court retreated rather quickly on the WDRE issue. Authorities in New York, where such education was popular, proposed a plan whereby students would be excused from the school building altogether for religious classes. Religious groups needed to provide not only teachers but also locations off public property for religious instruction. Students whose parents did not want them to attend remained in a study hall at school. Using a line of reasoning the court would continue in future cases, the majority now held that moving the classes off public property made all the difference. Justice Douglas, who was attacked so often in later years for seeming to be antireligious, wrote the majority opinion in which he almost seemed to back off from the McCollum decision:

> We are a religious people whose institutions presuppose a Supreme Being. We guarantee the freedom to worship as one chooses. We make room for as wide a

> variety of beliefs and creeds as the spiritual needs of man deem necessary. . . . When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. . . . To hold that it may not would be to find in the Constitution a requirement that the government show a callous indifference to religious groups.

This time Justice Black found himself in a dissenting minority. For him, the sole question in the case "is whether New York can use its compulsory education laws to help religious sects get attendants presumably too unenthusiastic to go unless moved to do so by the pressure of this state machinery." He would have none of it. Nevertheless, the majority voted differently and release-time programs became a popular aspect of the cultural milieu of some parts of the United States in the 1950s.[21]

Federal Aid, State Aid, and Religious Schools

While the issues of minority rights for Jehovah's Witnesses and others and the various compromises allowing sectarian religious instruction during school hours took up significant time in the cultural wars of the 1940s and 1950s, some of the most heated debates came back to the issue of money. In his end-of-the-war budget message and again in his January 1946 State of the Union message, President Harry S. Truman proposed federal aid to "assist the States in assuring more nearly equal opportunities for a good education." Truman's proposals received widespread support. Representative Luther Patrick, Democrat of Alabama, told the House of Representatives that "if democracy means equality of opportunity—and we have long so insisted—I can think of no place more proper to apply it than in the education of the country's children." A young Estes Kefauver of Tennessee added his support for federal aid, which "is essential to an equitable distribution of the blessings of education among children of this country." But in spite of the noble rhetoric, the various proposals for federal aid submitted to Congress in the immediate postwar years went nowhere.[22]

The major opponents of federal aid to education in the 1940s and 1950s feared that federal aid would quickly be followed by federal control of education and they wanted to ensure that not happen. The fear of federal control, of course, meant many things. For some, it was part of a general opposition to centralism in government in any form. Certainly, this had been part of Republican opposition to the New Deal for the past decades. For others, "federal control" meant federal demands for school integration. Ever since the Congress of the Reconstruction-era had considered linking federal aid and school desegregation, many, in both the North and the South, opposed the former as leading to the latter. Liberals would never support aid to racially segregated

schools and representatives from states that mandated school segregation would never support federal aid if their schools were excluded.

Finally, support for the Truman proposals fell apart over the issue of federal aid to parochial schools. In the spring of 1946, the National Catholic Educational Association came out strongly for federal aid plans for public and nonpublic schools. "The compelling purpose for Federal aid to education will be defeated" an April resolution of the association stated, "unless the Federal funds are distributed first, only to those areas where States and local resources are inadequate and, second, without distinction because of race, color, creed or attendance at a public or non-public school." The message was clear. Catholic educators wanted equity in the use of federal funds, and for them, equity meant getting their fair share. Northern urban Democrats, from cities with large numbers of parochial schools, would not support a bill that did not provide some form of aid to parochial as well as public schools. Representatives from Protestant-majority areas would not support any aid of any sort to parochial schools. Given the number of reasons for opposing the bills, no version of a federal aid to education bill could muster a majority needed to pass Congress. Once again, as was true in the 1870s when the Blaine Amendment was under consideration or in the 1920s when a federal department of education was being debated, so in the 1940s a mixture of people with different perspectives on issues of race and religion united to defeat a new federal policy. This was not the last time that such divisions would have an impact.[23]

While federal aid to education remained stuck, many governors and legislatures in states with large numbers of Catholic voters sought ways to provide state aid to parochial schools. In some cases, this involved providing textbooks to all students, whether they were in public or parochial schools. In others, it involved providing transportation. And, not surprisingly, these forms of state support were challenged in the courts. In a case that might have been decisive, if it had not been a 5 to 4 decision, the Supreme Court in 1947 ruled in *Everson v. Board of Education* that a New Jersey statute authorizing local school districts to pay for the transportation of children to and from school, whether they attended public or parochial schools, was constitutional. In the particular test case, one New Jersey township authorized reimbursement to parents for the money they paid for bus transportation for their children to attend any schools, public or Catholic. Interpreting the First Amendment to require absolute neutrality on the part of the state in its relationships with believers and nonbelievers, and viewing the provision of transportation money to all as the sure sign of neutrality, Justice Black wrote for a slim majority that "the First Amendment has erected a wall between church and state. That wall must be kept high and impregnable. We could not approve the slightest breach. New Jersey has not breached it here."[24]

Justice Jackson sarcastically remarked that Black's majority opinion reminded him of "Julia, who, according to Byron's reports, whispering 'I will ne'er consent,' consented." While Jackson was sympathetic to the Catholic complaint of a double tax for public and then parochial schools, and to the argument that carfare could hardly be "a serious burden to taxpayers," he also found that providing transportation clearly constituted support for religion. So he argued, "Catholic education is the rock on which the whole structure rests, and to render tax aid to its Church school is indistinguishable to me from rendering the same aid to the Church itself."[25]

Everson was an important case. It was the first in which the Supreme Court ruled so explicitly that the Fourteenth Amendment's mandate that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," meant that First Amendment protections also applied to state and local law. It was a ruling on a case of indirect but real support for parochial schools. With a close vote and a series of complex opinions, the court's signal to the nation was less than clear on the issue of where public funds could and could not be used but very clear that the Bill of Rights applied to state governments. Unfortunately, in similar cases for the next half-century, the court has maintained the tradition of mixed and unclear signals regarding which forms of state support to parochial schools are constitutional and which are not.[26]

The 1960 presidential election once again brought many of these issues into the national spotlight. For the second time, the Democratic Party nominated a Roman Catholic as its candidate for president, Senator John F. Kennedy of Massachusetts. As in 1928 and 1960, old Protestant-Catholic debates surfaced. Kennedy addressed the issues directly throughout his campaign. He understood that the price of being elected was a clearer commitment than any Protestant might be asked for in terms of the separation of church and state.

Early in the campaign, before he had secured the nomination, Kennedy complained to the American Society of Newspaper Editors that the press was allowing the issue of his religion to divert the discussion from what he saw as far more important issues of foreign and domestic policy. "There is only one legitimate question" of religion, he argued: "Would you, as President of the United States, be responsive in any way to ecclesiastical pressure?" and to that he gave a resounding no. Of course, Kennedy recognized that there were other legitimate questions of public policy, though he wished they were asked of all candidates. As one example, he returned to the old question of federal funds for nonpublic schools. He said, "Federal assistance to parochial schools, for example, is a very legitimate issue actually before the Congress. I am opposed to it. I believe it is clearly unconstitutional. I voted against it on the Senate floor this year, when offered by Senator [Wayne] Morse. But interestingly enough, I was

the *only* announced candidate in the Senate who did so. (Nevertheless I have not yet charged my opponents with taking orders from Rome.)" And so, with humor and candor, Kennedy continued to disarm opponents and build his base. He also limited his options on this policy question long before his inauguration.[27]

Bible Reading and Prayer in the Schools

Kennedy kept his word, and as a result, federal aid for education remained a low priority during his administration. Other forces were at work in the country, however, that would create a crisis regarding prayer and Bible reading in the schools during Kennedy's years in office. From the time of Horace Mann onward, reading the Bible, "without note or comment," had been a part of the school day for students in some regions of the country. As we have seen in the case of Ohio (see chapter 3) in deference to Catholics or later to Jews, or to the more general religious diversity of the land, many states had ended the practice. In other states, particularly in the South and Northeast, prayer and Bible reading was still standard procedure. Thirteen states required that school be opened with Bible reading and/or prayer, and thirty-seven allowed some form of religious activities. According to the *Congressional Record*, on the eve of the Supreme Court's 1962 and 1963 decisions regarding school prayer, some sort of religious observances were required in public schools in Alabama, Arkansas, Delaware, Florida, Georgia, Idaho, Kentucky, Maine, Massachusetts, New Jersey, Pennsylvania, Tennessee, and the District of Columbia. Such observances were specifically prohibited in Alaska, Arizona, California, Illinois, Louisiana, Nebraska, Washington, Wisconsin, and Wyoming. A study conducted by Richard Dierenfield in 1962 reported that in 1960, 87.9 percent of American schools had Christmas celebrations, 41.8 percent had Bible reading, 33.2 percent had prayer in the homeroom.[28] For some people, in some areas, these activities were simply a normal part of living in a relatively homogeneous society in which church, family, and school shared a wide range of commonly held values. For many others, the same activities were a relatively perfunctory part of the day, harmless and meaningless. Yet, for many others, they were an overt form of oppression, a constant reminder that they were second-class citizens in a country whose culture was defined elsewhere.

As has been seen in earlier chapters, for most of the nineteenth and early twentieth century, Catholics were the most oppressed by mandated school-based religion. As the country became more diverse, many other groups felt similar pressures. Howard Squadron, whose parents had been part of the great Jewish emigration from eastern Europe, told a House of Representatives hearing in July 1995 what it was like for him to grow up in the United States in the 1950s: "Let me recall to you what the public schools I attended were like. They had an overtly Protestant cast. Prayers and bible passages were recited daily.

Prayer is not a generic form of expression and bible passages (and translations) were not, are not, and should not be, theologically neutral. The public school religion I encountered had in every case specific theological roots and forms. The prayers said in the public school I attended were distinctly Protestant in content. The students in the schools I attended were largely Jewish; the prayers exclusively Christian."

Squadron also understood that there was a cultural agenda to these activities. They were not merely leftovers from an earlier era; rather, they represented an agenda that had begun with Horace Mann, Lyman Beecher, and others to use the schools to "Protestantize" the culture and to create "good" Americans in a specific image and out of a unified mold. In many parts of the country, there was extra pressure on non-Protestant, non-European minorities to conform to the mold. Squadron continued:

> This disparity was no coincidence, nor was it simply ignorance, or even a lingering cultural tradition from a prior generation of students, teachers, and school administrators. The use of Protestant religion was a part of a deliberate effort by the public schools to suggest to the American children of Jewish immigrants that these Protestant rituals represented true Americanism, that the rituals and rhythms of our parents' houses were alien and foreign, worse, to children who desperately wished to be accepted, even "un-American." This use of religion as a means of acculturating aliens caused many painful gaps between parent and child.

Whether Squadron's classmates or his teachers and school administrators understood the full impact of what was happening may be doubtful. But he captured the ways in which many schools operated in the United States, whether in the 1830s, the 1950s, or the 1990s.[29]

In 1962 and 1963, the long-standing issues of prayer and Bible reading in the schools burst onto the national consciousness with two very controversial Supreme Court decisions. In many ways, the roots of the dominant conservative religious organizations of the 1970s and 1980s, the Moral Majority and the Christian Coalition, lie in the public responses to these two unprecedented decisions. While the court had become more involved in school issues since its 1947 ruling applying the Fourteenth Amendment to the freedom of religion and, of course, the 1954 decision on school desegregation, few cases cut more deeply to the core of the debate about the religious culture of the nation than *Engel v. Vitale* (1962) and *Abington v. Schempp* (1963). In fact, both decisions were more symbolic than specific. Some of those who objected vociferously to the rulings lived in states that had long banned both prayer and devotional reading of the Bible. It was one thing to have silence on the issue. It was quite another for the highest court in the land to so clearly announce the end of the Protestant ascendancy.

The narrower but more emotional debate came over the 1962 decision on school prayer. In the aftermath of World War II, and some would argue the McCarthy era, the New York State Board of Regents had recommended that the school day be opened with prayer. In November of 1951, while the United States was at war with so-called godless communists in Korea, Senator Joseph McCarthy claimed that the country's own state department was riddled with communists, and newspapers made headlines with stories—whether true or not—of a rise in juvenile crime, the New York Board of Regents adopted a policy to support "respect for lawful authority and obedience to the law." As part of this policy, the regents created a team of ministers, priests, and rabbis who wrote a generic prayer for use in the classrooms of New York state: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country." Who could object to so generic a prayer? Only an atheist or someone who found its language so broad as to be meaningless would mind some thought.

The Regents Prayer, as it came to be called, had multiple purposes. For some, it was a continuing acknowledgment that the United States and the state of New York were still religious in a fast-changing world. The 1950s, after all, were also the time in which the phrase "under God" was added to the Pledge of Allegiance to the Flag and "In God We Trust" was added to the dollar bill. In a new atomic era, in a world where there seemed to be so much uncertainty, a little certainty about God seemed desirable. For others, requiring prayer was a way to reinforce Horace Mann's old commitment that the schools, of course, would be religious places, ensuring that New York's increasingly diverse population was reminded daily of what the nation's dominant culture believed. And for yet others, the prayer, like the pledge, was simply a way of quieting the class down before they got on to the real work of the day.[30]

Others, however, were profoundly uncomfortable with the Regents Prayer. For many children, this or similar prescribed prayers created a daily dilemma. Did they stand out by refusing to comply with the prayer, or did they compromise some of their most deeply held convictions by going along to get along?

As late as 1955, only 17 percent of New York's school districts used the Regents Prayer, and most of those were smaller rural districts, though some of the state's larger cities, including Rochester and Syracuse, used the prayer. On suburban Long Island six school districts were using the prayer. One of the six was Herricks in North Hempstead. Described as a conservative district, Herricks was led by officials who adopted the prayer without too much thought one way or another. But in decade after World War II, many Jewish families who had been living in crowded conditions in New York City moved to suburbs such as North Hempstead, and many of them found the Regents Prayer unacceptable.

For two brothers, Joseph and Daniel Roth, the prayer caused a lot of very real pain. Looking back on the place in history they ultimately occupied, they remembered the little things. They remembered their father asking them to leave the classroom during the prayer and then, later, walking home from school in suburban Long Island in the late 1950s and being taunted "Hey, you Jew bastard!" They remembered fights with classmates and anger at their parents for holding an un-American religion. They also remembered the teacher who "kept a statue of Christ in her third grade room. If you were bad, she would say, you would be punished by Christ." And they remembered hostility and snide comments from other teachers, especially as they began to challenge the school's policy. The Roths were hardly alone. Many Americans, who did not fit with the dominant religious tenor of America in the 1950s, or in other decades, remember similar deeply painful experiences.[31]

The Roths were different, however, in the role they played in changing national policy. Their father, Lawrence Roth, was a nonpracticing Jew, but he did not mean to allow the harassment of his sons to continue. He contracted the American Civil Liberties Union for help. He placed an ad in the local paper announcing, "A taxpayers suit will soon be started to challenge the legality of prayers in public schools" and asking for others who would like to join in. Five parents—Lawrence Roth, David Lichtenstein, Monroe Lerner, Lenore Lyons, and Steven Engel—were ultimately selected. William Vitale, president of the local school board, decided to defend the prayer. Thus, *Engel v. Vitale* was launched.

After making its way slowly through state and federal appeals, the case was heard by the US Supreme Court in 1962. The plaintiffs had a simple case: "My clients say that prayer is good. But what we say here is, it's the beginning of the end of religious freedom when religious activity such as this is incorporated into the public school system of the United States." Those defending the prayer tried to cast the case in a larger cultural light. "Why are my clients here at all? They are here in the name of the free exercise of religion, if you want to put it that way. They are here because they feel very strongly that it is a deprivation of their children's right to share in our national heritage . . . to eliminate all reference to God from the whole fabric of our public life and of our public educational system." Thus, the lines were drawn.

The court heard the case in April 1962 and quickly came to its 6–1 conclusion. Justice Black wrote for the majority: "We think that the constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers."[32]

When the decision came down on June 25, 1962, Lawrence and Frances Roth and a few of the others involved held a small celebration. Lawrence told

a reporter, "We all feel that we have had a small part in clarifying and strengthening a vital constitutional safeguard." Frances added, "I'm very proud of our country." It was not easy for those who had brought the case, however. Steven Engel said that after they won, "all hell broke loose." All of the parents involved received hate mail, angry telephone calls, and the end of some friendships. People they thought of as broad minded stopped speaking to them. One family kept getting calls to "tell the Commie to go back to Russia." The Roths received hundreds of anti-Semitic letters saying things like "This looks like Jews trying to grab America . . . America is a Christian nation." Lawrence Roth remembered: "We got calls, 'Don't start your car; it'll blow up.' . . . Once, kids with gas-soaked rags laid out a cross on our lawn, lit it, and left. . . . Right after the decision came out, people marched with signs, 'Roth—Godless Atheist.'" As an adult, Joseph Roth remembered harassment from fellow students, local leaders, and surveillance by the Federal Bureau of Investigation. It was not an easy time for the family.[33]

A year later, the court heard a second case with much more far-reaching implications. In 1959, Edward and Sidney Schempp, the Unitarian parents of two high school students, sued the Abington, Pennsylvania, Township School Board to stop the practice of starting the school day with Bible reading and prayer. At Abington High School, each day was opened with a student reading from the Bible and then leading the Lord's Prayer and the Pledge of Allegiance over the public address system. The school provided the King James Version but students were allowed to bring their own Bibles, Protestant, Catholic, or Jewish. Initially, Schempp won in state court when the court overturned a 1949 Pennsylvania law requiring the reading of the Bible at the start of each school day. The state legislature then amended the law to allow students to absent themselves from the proceedings. Schempp was not satisfied and sued again, and this time the case went to the Supreme Court.

At about the same time, Madalyn Murray sued to end a similar requirement for prayer and Bible reading in Maryland. Murray, destined to become the nation's best-known and often most vilified atheist, began trying to protect the rights of her son William from forced participation in prayers and Bible reading, but she soon became a flamboyant voice for atheists and an unpopular one. The Maryland law, similar to many adopted in the 1940s and 1950s, specified opening exercises so that "each school, either collectively or in class, shall be opened by the reading, without comment, of a chapter in the Holy Bible and/or the use of the Lord's Prayer." Maryland compromised by making participation voluntary, but this was not enough for Murray. She argued that the law threatened her and her son's "religious liberty by placing a premium on belief as against nonbelief and subjects their freedom of conscience to the rule of the majority . . .

and thereby renders sinister, alien and suspect the beliefs and ideals" of people like her.[34]

The Supreme Court consolidated the two cases and in 1963 issued its far-reaching decision banning all required prayer (not just state written) and all devotional reading of the Bible in the schools. Justice Tom Clark spoke for a majority when he wrote, "In both cases the laws require religious exercises and such exercises are being conducted in direct violation of the rights of the appellees and petitioners. Nor are these required exercises mitigated by the fact that the individual students may absent themselves upon parental request, for that fact furnishes no defense to a claim of unconstitutionality under the Establishment Clause."[35]

The court went out of its way to support the study of religion, as opposed to its practice. Clark continued: "In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization." And he went on: "It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment." The study of religion was clearly upheld. The practice of devotional religious practice in school was clearly denied.[36]

The 1962 and 1963 rulings evoked a storm of protest. While the Abington ruling was much broader, the protests really began with Engel. The issue burst onto the national stage and stayed there for a very long time. The cartoonist Herblock may have captured it best with his picture of the angry father sitting with family at the breakfast table and shouting, "What Do They Expect Us to Do—Listen to the Kids Pray at Home?" President Kennedy sought to deflect the issue with a call on people to "support the Supreme Court decisions even when we may not agree with them." The president added, "In addition, we have in this case a very easy remedy and that is to pray ourselves." But private prayer was not sufficient to address the cultural divide the Engel and Schempp cases had opened.[37]

Congressman Frank J. Becker of New York proposed a constitutional amendment that would have added these words: "Nothing in this Constitution shall be deemed to prohibit the offering, reading from or listening to prayers or biblical scriptures, if participation therein is on a voluntary basis, in any governmental or public school, institution, or place." Becker was an effective advocate and was able to force Judiciary Committee hearings in 1964, but his amendment died in committee.[38]

Outside of Washington, polls showed significant majorities opposed to the Supreme Court decisions. Major cultural voices of the era challenged the

court. The nation's best-known evangelist, Billy Graham, said, "The trend of taking God and moral teaching from the schools is a diabolical scheme." Alabama's governor George Wallace responded, "I don't care what they say in Washington, we are going to keep right on praying and reading the Bible in the public schools of Alabama." And massive resistance to the court on the issues of prayer joined with resistance to school desegregation in the rapidly cohering new right-wing agenda.

Some in and outside of Congress who were already furious at the Warren Court for the 1954 *Brown v. Board of Education* decision on school desegregation linked the two issues. George Andrews, a member of Congress from Alabama said of the Court, "They put the Negroes in the schools; now they put God out of the schools." James Eastland, the Mississippi senator said that Engel "brings home to every Christian family in the nation how far down the road the U.S. Supreme Court has done toward judicial tyranny." He added, "I don't believe the President is going to call out the troops or the attorney general call out the marshals to enforce the Supreme Court's decree." Eastland was correct. Neither presidents Dwight Eisenhower nor Kennedy took such steps, although both had used military force to support school desegregation.[39]

Of course, not everyone opposed the court. Most Jews and liberal Protestants supported its decisions. Edwin H. Tuller of the National Council of Churches opposed the Becker Amendment for reasons that many people of strong belief shared. "I live in fear of identifying this with prayer," Tuller told the committee. "Because if the children are taught this prayer, then my teaching that [the act of] prayer is a vital relationship between the individual and his Creator through Jesus Christ is contrary to that teaching." Deeply held religious convictions and bland public prayers did seem like poor soul mates.[40]

But many Americans, especially white Protestants in the Midwest and South, found the court's decisions one more reminder that they were no longer in charge of the culture. The court had made that clear on matters of race with the Brown decision in 1954. Now it was making it equally clear on matters of religion. More and more people, with more and more differences, were being included in the schools, and not just as second-class citizens. The very notion of what defined the dominant culture of the United States was clearly contested terrain.

The Elementary and Secondary Education Act: Federal Aid at Last

It is ironic that only two years after the Abington case, Lyndon Johnson was able to break a hundred-year deadlock and achieve the passage of federal aid to education. Such aid was a central goal of the Reconstruction Congresses in the 1860s and 1870s, and it had been reintroduced from time to time as it was during and after World War I and most vigorously by President Truman in the 1940s.

And in each case, federal aid to the schools was blocked on the two issues that have been so tangled for so long—race and religion. States' rights Southerners—but not only Southerners—feared the federal mandates for school desegregation that were included, at least potentially, in all federal aid bills. Catholics opposed any aid bills that did not include aid for parochial schools, while Protestants generally opposed any possibility of tax dollars flowing to parochial schools. The result was a standoff in which nothing could get through Congress. As on so many other issues, Johnson built a new coalition and broke the deadlock.

On January 12, 1965, Johnson submitted a special message to Congress in which he called for $3 billion in new spending for elementary and secondary education. Telling Congress that "nothing matters more to the future of our country." With the 1964 Civil Rights Act, Johnson had resolved the issue of funds for segregated schools, because the act said that no federal funds could ever be used to support segregation. In 1965, Johnson also wisely made sure that everyone got a piece of the action. The initial ESEA proposal included funds for the preschool Head Start program, direct support to public schools serving low-income families, books for school libraries "to be made available to children in public and private non-profit elementary and secondary schools," new supplementary education centers that would offer "special assistance after regular school hours" for students in both public and private schools, and strengthening the Regional Educational Laboratories with a new focus on the development of and dissemination of new curricula for both public and private schools. Who, indeed, could object to this rich list of services?

The bulk of the ESEA funds were in Title I (later Chapter I) of the bill, which also provided wide leeway to states and local districts regarding how to use the funds to upgrade the education of poor students. In time Title I funds, like other parts of the act, also became available to parochial schools as well. Johnson was a master of arm twisting and congressional lobbying, and the 1965 ESEA passed both houses of the Congress in record time. This was the height of the Great Society; Johnson had wide national support and strong majorities in both houses. He signed the bill in April 1965, three months after first submitting it. At the time, he said, "As President of the United States, I believe deeply no law I have signed or will ever sign means more to the future of America." It was indeed an impressive accomplishment.[41]

Twenty years later, a group of veterans of the Great Society era gathered to look back on what they had accomplished. Augustus F. Hawkins, who had long served on the House Committee on Education and Labor, gave Johnson credit for resolving the two great barriers to federal aid. First, Johnson resolved the fear of federal funds leading to federal involvement in desegregation not by backing off of the issue but by ensuring with the passage of the Civil Rights

Act of 1964 that the federal government was going to be involved in issues of race, racism, and school desegregation, whether any federal funds flowed to the schools or not. Then, according to Hawkins, Johnson turned his attention to the next issue, "the separation of church and state." Hawkins noted that Catholics had opposed previous aid bills because they did not benefit parochial schools. But developing a new formula, Johnson changed the terms. "It was crafted on the basis that the aid was not to the school but to the individual student. This, I think, removed a lot of the opposition."[42]

The compromise at the heart of the ESEA and of a number of state laws that quickly adopted similar arrangements was also quickly challenged in the courts. Did the new formulation in which "the money followed the child" pass constitutional muster? While still contested in the details, the overall structure of what aid was permissible was resolved by the US Supreme Court in *Board of Education v. Allen* (1968). Even while some initial challenges to the ESEA formula were being developed, a case challenged a New York law requiring local school boards to "loan" state-approved textbooks to nonprofit private schools. The court responded with what came to be known as "the pupil benefit theory." If the primary purpose and structure of tax-funded aid was the benefit of the individual pupil, no matter what school that pupil might attend, then support for transportation, textbooks, and perhaps other supports was allowed.[43]

By the end of the Great Society era, the United States was again a deeply divided nation. The Civil Rights Act of 1964 and the succeeding legislation provided important new rights for people of color but had not resolved the nation's deep divisions over race and racism. The war in Vietnam divided American society. The unity that had supported the passage of bills such as ESEA seemed far gone. But few of those looking at the nation at the end of the 1960s could have predicted that some of the issues from early in the decade—prayer and Bible reading, the legal level of support for parochial schools, even the teaching of evolution—would become central to national debates in the next three decades. The culture wars that started over school prayer, civil rights, and Vietnam took more forms than most early observers or participants could have ever imagined.

Culture Wars, Creationism, the Courts, and the Reagan Revolution, 1968–1989

The year 1968 was pivotal in the history of the United States. Depending on one's perspective, the nation was either falling apart or uniting around a powerful new vision of social change and justice for all. Beginning with his role as a leader of the 1955 Montgomery Bus Boycott, Martin Luther King, Jr., emerged as one of the best-known people in the United States and the leading voice of the nonviolent civil rights movement. In what would be the last year of his life, King linked the issues of racism, poverty, and war as never before. In an April 1967 speech at Riverside Church in New York City, King called on his followers to expand the civil rights agenda and "find new ways to speak for peace in Vietnam and justice throughout the developing world." That December he called for a Poor People's March on Washington in the year ahead to demand "jobs, income, the demolition of the slums, and the rebuilding by the people who live there of new communities in their place; in fact, a new economic deal for the poor."

In these 1967 speeches, King dramatically expanded the meaning of civil rights to include the world—especially Vietnam—and all poor people in the country. And then, in April 1968, King was struck down by an assassin's bullet. Two months later, New York Senator Robert Kennedy, campaigning for the Democratic presidential nomination as an antiwar candidate, was assassinated in Los Angeles. The country had not seen such turmoil and violence in a long

time. Many Americans seemed to be lined up on one side of the great divide or the other. People were for civil rights, for expanding the War on Poverty, and against the war in Vietnam, or they were on the other side on all three issues.[1]

Although King was a major leader, thousands of Americans were involved in civil rights activities, the antiwar movement, and the continued efforts to organize the nation's poor. For them and for most Americans, 1968 was a heady and a frightening year. The nightly news carried scenes of civil rights demonstrations and of the Vietnam War as no previous (or subsequent) war had ever been shown. King's assassination in April and Kennedy's assassination in June were seen as part of the same violence. In August, the Democratic National Convention in Chicago became a riot—a "police riot" a subsequent report called it—as opponents of the war clashed with Chicago police. And in November 1968, Richard M. Nixon was elected to the presidency he had so long sought on a platform of "law and order." Nixon, unlike Ronald Reagan, did not roll back much of the Great Society legislation. But the lines were being drawn. From this milieu emerged a new set of culture wars that dominated the national discourse for decades.[2]

Increased educational opportunity and school desegregation had been among the major tenants of the civil rights era. Some of Lyndon Johnson's greatest domestic successes involved federal support for education. The issues that had so divided the country during the early sixties—whether a Catholic president would use the office to aid parochial schools, questions of prayer and Bible reading in the schools, quarrels about the rights of students to be excused from class time for religious instruction or excused from a flag salute in which they could not participate for religious reasons—all of these seemed like relics of a much simpler and long-forgotten era. In a nation so deeply divided as the United States was in 1968, few forecasters would have predicted how deeply the issue of the place of religion in schools would continue to perplex and divide the American people in the future.

The Culture Wars of the Nixon Era

Nixon's 1968 presidential campaign was famous for both its "Southern strategy," which broke the Democratic Party's hold on the white South, and for the candidate's courting of some reactionary elements in the American electorate. It was also—compared to those that followed—a very secular affair. In campaigning against Nelson Rockefeller and a late-entering Ronald Reagan for the Republican nomination, and then in the fall campaign against Democrat Hubert Humphrey and Independent George Wallace, Nixon sought to outflank Wallace in the border South and Humphrey in the rest of the country with a strong appeal to law and order. For many middle-class and working-class white voters, shaken by the racial uprisings and the increasing anger in the antiwar

movement, law and order became a code phrase for everything from a return to the 1950s, to an end to school desegregation, to the out and out suppression of the civil rights and antiwar movements.

Michael P. Balzano, who had served as an assistant to President Nixon, remembered the appeal to the "silent majority" was based on a belief that the Democratic Party leadership had abandoned the core of the Roosevelt coalition, "southern Democrats, ethnics, Catholics, and labor unions." In the eyes of these strategists, the post–Johnson Democratic Party had become the party of permissiveness and was therefore easy to campaign against. Balzano remembered: "Middle America perceived itself as the target of social policies emanating from government bureaucrats, the target of political reform of the presidential nominating process, and the target of the antiwar protest movement." Thus, the culture wars began as a war of white middle American values of order, stability, and meritocracy against protest and change, especially school desegregation, demonstrations, and affirmative action.

Looking back, a chastened Charles Colson, who served time in prison for his role in the Nixon Watergate cover-up, saw the beginning of the later Reagan Revolution in the Nixon era. The Nixon team expanded its outreach to Catholic leaders and voters: "We brought in the U.S. Catholic Conference leaders, and we invited Cardinal Krol to sail down the Potomac on the *Sequoia*, the President's yacht. . . . We entered the aid to parochial schools case, which was one of great concern to the Catholic hierarchy and to the ethnic communities in the Northeast. We were working assiduously to win and cultivate their political support."

According to Colson, the 1972 reelection campaign differed significantly from Nixon's initial 1968 strategy. "It was the first time that the principal issues in a campaign turned on social issues . . . Nixon campaigned against: amnesty, abortion, and acid. He campaigned actively against busing [for school integration] because it was exceedingly unpopular in some of the white ethnic communities that we were appealing to." Nixon became the first Republican president to have such close ties to Catholic leaders and Catholic voters, especially those many "white ethnic" voters living in large and increasingly diverse cities. For the most part, however, Nixon did not connect with conservative Protestant religious movements and did not raise what would become among the most divisive school issues of the later 1970s, 1980s, and 1990s—school prayer, evolution, or other overt matters of religion.[3]

Evolution, Creationism, and "Scopes II"

In the midst of the tense struggles of 1968, the US Supreme Court ruled in the case of *Epperson v. Arkansas* that an Arkansas law disallowing the teaching of evolution was unconstitutional. Finally, forty years after the Scopes Trial, the

Supreme Court had its chance to rule on the issue. By 1968, the outcome of the court's review seemed a foregone conclusion. In fact, however, far from providing the final coda of a long-forgotten debate, the ruling opened up a new era in battles over teaching evolution in the schools.[4]

The Epperson case emerged as a result of the major changes in post-Sputnik science education. As was noted in chapter 6, the Scopes Trial had a powerful impact on the teaching of high school biology. While many high school texts in use between 1900 and 1925 included detailed attention to evolution, publishers backed off from the issue after 1925, and the work of Charles Darwin and the theory of evolution were relegated to the margins of the texts for more than a quarter of a century. However, in the late 1950s, all of that began to change.

The Soviet launch of the Sputnik satellite in 1957, before the United States could enter space, was as powerful a cultural issue as the Scopes Trial had been. Politicians and the general public demanded that the United States win the space race. The National Defense Education Act of 1958 provided federal money to upgrade science education since, the act said, "The defense of this Nation depends upon the mastery of modern techniques developed from complex scientific principles."

As a result, the National Science Foundation, which had been created in 1950, began to put significant federal funds into the production of first-rate high school science and mathematics texts that paid full attention to scientific thought on the evolution of life. Scientists and educators in the Biological Sciences Curriculum Study developed a radically new approach to teaching high school biology, and state and district officials adopted the results. As curriculum historian Herbert Kliebard noted, "Although the major revision projects of the National Science Foundation and related programs did not have the legal power to mandate the changes they were recommending, they did transform the process of curriculum change to one in which the curriculum would be developed first by experts at a center set up for that purpose with the local school systems perceived as consumers of external initiatives." Generally unnoticed, the teaching of science, especially biology, changed significantly in the nation's high schools after Sputnik. After a forty-year vacation, Darwin was back in the curriculum.[5]

At the same time, after a forty-year silence, Scopes published *The Center of the Storm* in 1967, his version of the original trial.[6] Partly as a result of the Scopes book, the Tennessee legislature finally repealed the Butler Act that had been the basis of the Scopes Trial. Only two weeks after the Tennessee action, however, the Arkansas Supreme Court upheld the Arkansas version of the same law as "a valid exercise of the state's power to specify the curriculum of its public schools."

The Arkansas decision was based on a complaint brought by Susan Epperson, a young Little Rock teacher. A native of Arkansas with a master's degree in zoology from the University of Illinois, Epperson began teaching at Little Rock's Central High School in the fall off 1964; the same school that had been the scene of national attention in 1957 when President Eisenhower sent federal troops to ensure the enrollment of the first nine African American students in the school's history. Less than a decade later, and a year after she was hired, Epperson was given a new biology textbook, which restored evolution to the biology curriculum. Epperson recognized a legal bind. She was required by her job to use a textbook of which she also approved. But, as Scopes had been, she was prohibited by the Arkansas law of 1928 from teaching the content of the same text. She agreed to be a plaintiff for the state teacher's organization and brought her case in the Chancery Court of Arkansas seeking a declaration that the 1928 law was void.

Epperson's case was an odd one. There had been no prosecution. An unenthusiastic Justice Hugo Black, long a champion of the separation of church and state, wondered why the Supreme Court was addressing a 1928 law that the state of Arkansas seemed uninterested in enforcing. "Now, nearly 40 years after the law has slumbered on the books as though dead, a teacher alleging fear that the State might arouse from its lethargy and try to punish her has asked for a declaratory judgment holding the law unconstitutional," Black said.[7]

Still, Epperson had reasons to wonder. Using the new textbooks meant that she would be violating the 1928 law in a way that her predecessors in the science departments of Arkansas high schools had not. Within the Supreme Court, Justice Abraham Fortas, who had grown up as young Jewish boy in Memphis, Tennessee, in the 1920s in the midst of the Scopes controversy, seemed eager to have the last word. Given all of the historical baggage, it was probably inevitable that what might have been a simple case did not end up that way.

In writing the majority opinion, Fortas rejected the pleas of other justices to overturn the law on its vagueness. Instead, Fortas insisted that "the overriding fact is that Arkansas' law selects from the body of knowledge a particular segment which it proscribes for the sole reason that it is deemed to conflict with a particular religious doctrine; that is, with a particular interpretation of the Book of Genesis by a particular religious group."

For Fortas, it was important to use the Epperson case to close the Scopes debate once and for all. Reminding everyone of Justice Tom Clark's 1963 conclusion in Abington, Fortas said: "While the study of religions and of the Bible from a literary and historic viewpoint, presented objectively as part of a secular program of education, need not collide with the First Amendment's prohibition, the State may not adopt programs or practices in its public schools or colleges

which 'aid or oppose' any religion. . . . This prohibition is absolute. It forbids alike the preference of a religious doctrine or the prohibition of theory which is deemed antagonistic to a particular dogma." The Arkansas statute and similar laws were reversed.[8]

As Edward Larson has pointed out, however, the Fortas opinion backfired. While thinking he had closed the case, Fortas opened a new loophole with the authority of a Supreme Court ruling. Wendell R. Bird wrote in the *Harvard Journal of Law and Public Policy:* "In *Epperson v. Arkansas* the Supreme Court overturned a law prohibiting instruction in evolution because its primary effect was unneutral." The court had said that it was not acceptable for the state to create "an unneutral prohibition on only evolution without a similar proscription on Genesis." If that was really what the court meant, then the decision also opened a new door for those opposed to the teaching of evolution—include both Darwin *and* Genesis in the science curriculum and do so under the banner of "equal time." What could be more neutral? After the Epperson decision, it was clear that opponents of evolution could not keep evolution out of the schools. But the Fortas opinion seemed to provide a new opening. Using Fortas's words that the old antievolution law was "an attempt to blot out a particular theory from public education," the movement was on for demanding equal time for creation science, or teaching some version of the creation story as an alternative scientific theory.[9]

In the years following the Epperson case, battles over teaching evolution—and creationism—have been much more heated than in the forty years before the case. It did not take long before creationism began to appear in textbooks and in law. Tennessee reintroduced the issue in a 1974 law requiring "an equal amount of emphasis" on alternative theories, including the Genesis story, with that of evolution. In 1981, Arkansas and Louisiana passed laws calling for "balanced treatment" for creation science.

The American Civil Liberties Union challenged these new laws as it had challenged the 1925 Tennessee law. The first round was settled by the Supreme Court in 1987, when the court's majority ruled in the case of *Edwards v. Aguillard* that the Louisiana law reflected "the legislature's preeminent religious purpose" since the goal had been "to restructure the science curriculum to conform with a particular religious viewpoint." For Justice William Brennan, writing for the majority, the law clearly violated the First and Fourteenth Amendments. Nevertheless, Justice Antonin Scalia issued a strong dissent in which he insisted that "the people of Louisiana, including those who are Christian fundamentalists, are quite entitled, as a secular matter, to have whatever scientific evidence there may be against evolution presented in their schools, just as Mr. Scopes was entitled to present whatever scientific evidence there was for it."[10]

From their perspective, the creationists seem to have the fairness issue squarely on their side. When John Peloza, an Orange County, California, high school biology teacher began teaching creationism along with the theory of evolution in 1991, he was reprimanded by the school district. He brought a lawsuit against the district. A professor at nearby California State University at Fullerton remarked, "Scopes was forbidden to teach evolution and he threw down the gauntlet and taught it. Now we have somebody who is forbidden to teach what Scopes was supposed to teach, and he is throwing his own gauntlet."[11]

A number of people agreed with the basic fairness premise—if it was appropriate, they asked, to defend Scopes's right to teach the theory of evolution in which he believed, was it not equally important to defend the right of Orange County biology teacher John Peloza or any other teacher to teach a belief in divine intervention in the creation process? Writing for the Rutherford Institute, a conservative think tank that "defends religious persons whose constitutional rights have been threatened or violated," John W. Whitehead posed the dilemma created over "the teaching of human origins," which he described as "a major area in which public schools have been criticized for not providing 'equal time' for a 'creationist' perspective along with teachings about evolution." Whitehead continued: "The public school either grants equal time to a religious perspective on a 'secular' subject, 'in which case a discrimination between religions is inevitably effected'; or it limits itself to a secular frame of reference, 'thereby belittling religion.' " From Whitehead's perspective, it seems clear that equal time represented a better solution.[12]

Although his perspective was different, Warren Nord, a philosopher at the University of North Carolina agreed, castigating the majority opinion in the *Edwards v. Aguillard* case and calling for equal time for creationism in the schools. For Nord, the issue is not "the truth or falsity of any particular account" but rather the philosophical question, "What should students be taught about evolution and creation when our culture is deeply divided about the truth?" So Nord wrote:

> I reject the idea that biology teachers and texts should be free to ignore religion for three reasons. First, it is one thing to teach neo-Darwinian evolution as (unchallenged) truth and another to teach it as one among several ways of thinking about origins. Scientific claims must be put into perspective if students are not to be indoctrinated. . . . Second, to divide reality into scientific and religious domains and then assume that scientists and theologians can go their separate ways without talking to one another is to convey uncritically a contested view of the relationship of science and religion. . . . Finally, if students are to be initiated into the conversation that constitutes a liberal education, teachers and textbook authors cannot be free to ignore other voices in the conversation . . .

Nord's prescription is a tall order and would require a significantly more sophisticated preparation for biology teachers than is currently offered in most teacher preparation programs.[13]

Then and now, most scientists cannot accept the recommendations of people like Nord or Whitehead or the parents and churches who continue to challenge what is taught in biology classrooms. For most scientists, including some who are themselves committed religious believers, it is deeply offensive to be asked to give equal time to something they deem to be pure error. In a publication of the National Academy of Sciences, Francisco J. Ayala, a professor of biological sciences who is also sympathetic to religious perspectives, nevertheless insists on a Darwinian understanding of evolution, writing: "Scientists agree that the evolutionary origin of animals and plants is a scientific conclusion beyond reasonable doubt. They place it beside such established concepts as the roundness of the earth, its revolution around the sun, and the molecular composition of matter. That evolution has occurred, in other words, is a fact."[14] In the same vein, Donald Kennedy, former president of Stanford University and a professor of environmental science, said, "The noted geneticist Theodosius Dobzhansky once said that 'nothing in biology makes sense except in light of evolution.' Evolution is as basic to the rest of biology as atomic structure is to physics." Given this reality, Kennedy worried that too often when teachers begin to teach good scientific biology and are challenged, they simply become quiet and move on to another topic. So Kennedy said:

> Thus it is disheartening that in many parts of the United States, high-school science classes do not teach about evolution at all, or discuss it only briefly. In other countries, students in secondary and even elementary schools study evolution. But in the United States, religious opposition to teaching evolution is deeply rooted and growing stronger. . . . Evolution is not an easy topic to teach well, and new information about it is accumulating rapidly. However, we all felt the need to deal with an increasingly intolerable situation, in which access to the most important concept in biology was being compromised by a small but determined group of fundamentalists.

The divisions seemed to be very clear.[15]

In 1998, the National Academy of Sciences produced a document designed to help secondary science teachers be both accurate about their science and respectful to their students. The report titled *Teaching about Evolution and the Nature of Science* insisted that schools must teach evolution: "Biological evolution accounts for three of the most fundamental features of the world around us: the similarities among living things, the diversity of life, and many features of the physical world we inhabit. . . . Thus, evolution is the central organizing

principle that biologists use to understand the world. To teach biology without explaining evolution deprives students of a powerful concept that brings great order and coherence to our understanding of life."

The National Academy report rejected the possibility of equal-time proposals. The authors point out that scientists simply cannot do it: "Those who oppose the teaching of evolution in public school sometimes ask that teachers present 'the evidence against evolution.' However, there is no debate within the scientific community over whether evolution occurred, and there is no evidence that evolution has not occurred. Some of the details of how evolution occurs are still being investigated. But scientists continue to debate only the particular mechanisms that result in evolution, not the overall accuracy of evolution as the explanation of life's history."

Few scientists would disagree with such a statement. Of course, some creationists will point out that this is at least partly true because no one advocating another perspective would have the slightest chance of election to the National Academy, which could be as much a political as a scientific issue. But the issue remains; calls for the teaching of "alternatives to evolution" generally are calls on scientists to provide information they simply do not have.[16]

There has been no resolution of the so-called equal time issue that people debated in the 1990s. While scientists like David Kennedy and Francisco J. Ayala struggle to maintain both scientific accuracy and respect for students who hold widely diverse views, other scientists are far less concerned with such a balancing act. Indeed, some scientists seem susceptible to a charge of an unbecoming rigidity. The late Carl Sagan was one of the nation's most-respected scientists. He published a best-selling book in 1996 titled *The Demon-Haunted World: Science as a Candle in the Dark*. For Sagan, the light of science was needed to drive out what seems to be the gathering darkness of too much religiosity in the United States today. "Is this worshipping at the altar of science?" Sagan asked. His answer, "If something else worked better, I would advocate that something else." But it is pretty clear from reading Sagan's work that he did not think it likely that the "something else" is going to come along anytime soon.

To illustrate his discomfort with religious worldviews, Sagan described a mythical person who believed that "a fire-breathing dragon lives in my garage." When the scientist seeks any evidence, the believer insists that the dragon is invisible, floats in air, has fire that is heatless, and is incorporeal. As a scientist, Sagan asked, "what's the difference between an invisible, incorporeal, floating dragon who spits heatless fire and no dragon at all?" The answer, to Sagan, was clear: "Claims that cannot be tested, assertions immune to disproof are veridically worthless, whatever value they may have in inspiring us or in exciting our sense of wonder." But for some people, "inspiring us or exciting our sense of

wonder" is just the point. When ancient biblical writers defined faith as "the assurance of things hoped for, the conviction of things not seen," perhaps they were talking about realities far more powerful than Sagan's mythical dragon.[17]

Stephen Jay Gould, who was a highly respected professor of zoology and geology, sought a better balance than Sagan offered. Gould's 1999 book argued for treating science and religion as two "non-overlapping" fields that each teaching essential, but different truths. Gould insisted: "I do not see how science and religion could be unified, or even synthesized, under any common scheme of explanation or analysis; but I also do not understand why the two enterprises should experience any conflict. Science tries to document the factual character of the natural world, and to develop theories that coordinate and explain these facts. Religion, on the other hand, operates in the equally important, but utterly different realm of human purposes, meanings, and values—subjects that the factual domain of science might illuminate, but can never resolve."[18] Although there are scientists and religious people who are comfortable living with this dichotomy, there are others who are not. For Sagan, the kind of comfortable dichotomy that Gould advocated smacked too much of looking for the mythical dragon while for a philosopher like Warren Nord, it smacks of an effort to "to divide reality into scientific and religious domains and then assume that scientists and theologians can go their separate ways without talking to one another . . . an intolerable level of specialization."[19]

While scientists, educators, and religious leaders debate what should be done, the American people, as a whole, are deeply divided. A 1990s poll from the National Academy of Sciences reported the nation's citizens to be roughly evenly divided on the question of their own belief in evolution. Not much has changed in the twenty-first century. The National Academy of Sciences reports that "fewer than one-half of American adults believe that humans evolved from earlier species. More than one-half of Americans say that they would like to have creationism taught in public school classrooms." While few would want to have majority votes or worse, Gallup polls determine the content of the school curriculum, especially in the sciences; this is a troubling split for a democratic society to manage.

In a review of the controversy about evolution, Stephen L. Carter argued that the evolution-creationism debate is, like most fundamental school issues, a matter of power. Quoting one of the leading scientists who has argued that fundamentalists "have no right to control the teaching of science in the public school," Carter continues, "Very well, suppose he is right that parents who believe that God created the universe and the earth in a relatively short period of time have 'no right' to decide what gets taught as science in the public schools. Query, then: Who does have 'the right'?" That is, indeed, a critical question. And few progressive educators would be prepared to argue that in all cases it

should be resolved in favor of scientific experts without any further discussion in a more messy and democratic dialogue. As Michael Apple has reminded us, there is a solid link between the definition of "official knowledge" and who holds power in society. If experts alone rule, then the very fabric of democracy itself can be in jeopardy.[20]

There are also far more than two sides in the debate. Indeed, there is a confusing array of perspectives. In a 2007 book, Peter J. Bowler, a British professor historian of science, wrote:

> The scientific community continues to treat ID [Intelligent Design] with contempt. . . . Nevertheless, the public success of Johnson's and Behe's books [1991 and 1996 books defending ID] has allowed ID to become the platform from which a new generation of efforts to introduce creationism into the schools has been launched. The movement is now well organized, with offices at the Center for the Renewal of Science and Culture, based at the Discovery Institute in Seattle, and a journal, *Origins and Design*. In the new millennium, active campaigns to influence science teaching have been launched in Ohio, Pennsylvania, and Kansas.

But Bowler also notes there are ongoing battles and lawsuits in Pennsylvania, Kansas, and elsewhere about the issue despite the warnings of the American Association for the Advancement of Science and similar bodies about the future of American science.[21]

One teacher who has been caught in the middle of these controversies also noted a problem with calls for equal time. "What do you mean by both?" the teacher asks. "If you mean both evolution and creationism what kind of creationism do you want to teach? Will you teach evolution and the Bible? What about other religions like Buddhism or the views of Native Americans? It's hard to argue for 'both' when there are a whole lot more than two options." Peter Bowler would agree. He wrote that for many conservative Christian groups, Intelligent Design "only endorses belief in an abstract Designer," which is far too limited, "indeed it is totally unacceptable," to so-called young-earth creationists who see the earth as not more than a few thousand years old and whose views are shared by perhaps half of the American population.[22]

Nevertheless, scientific leaders such as Donald Kennedy continue to seek an approach that embraces students and parents of many different perspectives. He reminds his readers "how important it is for scientists to treat religious conviction with respect—in particular, not to suggest, even indirectly, that science and religion are unalterably opposed." After all, many scientists are religious, just as many are not. And what, it must be asked, is wrong with a bit of wonder and inspiration? David Baltimore, also one of the nation's premier scientists, has recently written, "Scientists know that questions are not settled; rather, they

are given provisional answers for which it is contingent upon the imagination of followers to find more illuminating solutions. Practitioners of science are different from artists in that they give primacy to logic and evidence, but the most fundamental progress in science is achieved through hunch, analogy, insight, and creativity." It is not a concession to "creation science" to argue that high school science, like college and the most advanced research-level sciences, must never be taught as dogmatic theology but as a never-ending process of "seeking more illuminating solutions" and doing so not only through sifting the evidence but with "hunch, analogy, insight, and creativity."

While the National Academy report of 1998 called for teaching evolution—and not creation science—the report also acknowledged that students will have differences that must be treated with respect. At one point, the report describes a teacher who responded to a conservative religious student: "She raised a fuss about evolution, and I told her that I wasn't going to grade her on her opinion of evolution but on her knowledge of the facts and concepts. She seemed satisfied with that and actually got an A in the class." This is easier said than done. Nevertheless, at a minimum, no student should be put in the position of having a grade, or the respect of teachers or peers, depend on rejecting a matter of deeply held faith. Many of us learn the "facts and concepts" of things with which we may disagree. But that certainly does not compromise us, as being required to pretend that we believe them might.[23]

There is a great deal of space between *equal time* and *some time* for the questions about the workings of the scientific method and for a simple acknowledgment that many people of goodwill and of differing religious perspectives simply cannot accept the current theory of evolution. Conservative Christians may be the most visible of those who reject the theory, but there is also a clash between evolution and many other spiritual traditions, including those of some Native Americans and many Eastern philosophies, which should not be forgotten. When Navajo traditionalists tell the story of first man and first woman entering this world after their climb from below or when some sects within Hinduism describe the embryo or golden egg from which all creation—gods, animals, and people—were born, they are telling stories that have given power and wonder to people for millennia. To fail to acknowledge that there are such stories, that, for better or for worse, there is a debate about the issue, and that people of goodwill differ, is to fail to offer contemporary students a sophisticated analysis of one of today's major issues. It also fails to find a place for conservative religious students, who due to deeply held convictions, cannot accept the theory of evolution.

Nel Noddings, a philosopher of education, offers another perspective creationism and evolution: "The constitutional issue should be easily settled—which is not to say that it will actually be easily settled." However, the issue for

her is pedagogical, not constitutional. Noddings reminds high school science teachers that, when faced with a fundamentalist student who rejects evolution, it is important to remember that "clearly, it is not intelligent to censor or proscribe full discussion of any view passionately held by one or more participant." Indeed, such a debate can become a wonderful "teachable moment" for an informed teacher who is committed to creating a safe and engaging classroom for all students.

Noddings argues:

> Teaching *about* religion has long been accepted. The central problem in the approach I have outlined is that religious or metaphysical questions may arise anywhere, and I have recommended not only that they be treated wherever they arise—in, say, math or physics classes—but that teachers should assume that students are continually asking such questions implicitly, and, therefore, that they should plan their lessons to include such material. Following such a plan means that students will not be able to escape the discussion of religious questions. They will at least hear (even if they decline to participate in) discussions about God, ethics, creation, religious politics, mystical love, atheism, feminism, and a host of other topics.

Noddings continued with a word of warning to teachers. It is important, she said, that teachers not say "that's wrong" when students or parents have deeply held beliefs about the age of the earth or other matters. Rather, she said, teachers must "acknowledge the fact that some people believe this, and they will lay out what most scientists believe." But teachers need not seek to determine ultimate truths or share their own beliefs. "They need only refer to beliefs clearly stated by others and let students weigh the evidence or decide consciously to reject it in favor of faith."

What Noddings proposes is respectful of both the scientific curriculum and the students. To do less is to rob our students of the very process of critical inquiry that is fundamental not only to science but also to an intelligent approach to all aspects of the universe of learning. It also makes for very challenging teaching. Teacher preparation programs have a long way to go to equip their graduates for this challenge. But as Noddings notes, rejecting such challenges has resulted in a public school curriculum that has been "made intolerably boring to all but a handful of students passionately interested in the subject.[24]

One of the greatest tests of any truly liberal society—and liberal education—is its capacity to allow dissent about important issues. That is the challenge before scientists and science teachers today. It is not sufficient, as Americans United for Separation of Church and State argue, to hand the debate about evolution over to the humanities or social science classes while teaching evolution as fact in the science classes. That solution divides the world, and human

knowledge, in unnatural ways. Acknowledgment of the debate, Noddings and others argue, belongs in the class where the issue is taught: in biology. The capacity of biology teachers of the twenty-first century, and those who prepare them and their curricular materials, to teach good scientific evolutionary biology and, at the same time, to treat dissenting students and their parents with respect and with a right to their opinions and their voice will be one of the most significant tests of whether the public schools of the twenty-first century will be engaging, multicultural educational institutions embracing all of the nation's citizens.[25]

The Supreme Court Stays Involved

Although none of the Supreme Court decisions of the 1970s and 1980s received the same level of attention as the 1962 and 1963 school prayer decisions or the 1968 Epperson decision, the court's role as final arbiter of church-state issues, especially those affecting schools, continued and, indeed, expanded in the 1970s and 1980s. The makeup of the court changed in 1969 and 1970 when Chief Justice Earl Warren retired and a newly elected president Richard Nixon appointed a moderate Warren Berger as chief. At the same time, Associate Justice Abraham Fortas, who wrote the Epperson decision, was forced to resign after some of his outside income was questioned. After failing to win Senate approval for two very conservative candidates, Nixon appointed Harry Blackmun who turned out to be more liberal than expected.

Although Berger was a more conservative chief justice than Earl Warren, when it came to church-state issues, the court that he led maintained the same line of separation as had been the foundation of the school prayer decisions of the 1960s. In 1970 and 1971, the Berger Court expanded what they called the pupil-benefit notion. In a 1971 Pennsylvania case, *Lemon v. Kurtzman*, involving tax subsidies to pay the salaries of parochial schoolteachers who used public textbooks, the court declared the subsidies to be unconstitutional in a unanimous decision. Writing for the court, Berger announced a larger policy. A three-part test would be used in subsequent cases for a decade, Berger insisted, "First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion; finally the statute must not foster an excessive government entanglement with religion." The court's decision became known as the "Lemon test."

Berger recognized the difficulty of making absolutely clear distinctions. In the same decision, he wrote, "The line of separation, far from being a 'wall,' is a blurred, indistinct and variable barrier depending on all the circumstances of a particular relationship." Such a "blurred, indistinct, and variable" line allowed considerable room for debate over the meaning of the terms in specific settings and did not give school officials the guidance they might otherwise have wanted.

Nevertheless, the Lemon test continued as the basic means by which the court sought to resolve similar cases throughout the 1970s.[26]

By the 1980s, the appointment of additional conservative justices led the court to move away from the Lemon test. In 1983, in *Muller v. Allen*, the court, stretching the Lemon test broadly, approved a Minnesota law that allowed parents to claim a tax deduction for tuition, transportation, and textbooks at private schools even if they were religious schools. But later in the decade, Lemon got even less attention.[27]

In 1989, the ailing Justice Thurgood Marshall, a liberal champion who always took a very tough line on church-state separation, retired and was replaced with the conservative Clarence Thomas. In one of Thomas's first cases, the justices heard a Rhode Island case in which Vivian and Daniel Weisman challenged their children's school policy of having a rotating number of clergy offer prayers at graduation ceremonies. The school district's attorney defended the policy with a direct attack on Lemon. When the court finally announced its decision in June 1992, the Wiseman's won, but only in a 5–4 decision that created its own confusion. Justice Anthony Kennedy, who wrote the majority opinion, said that a policy of prayer at graduation was coercive, giving students and parents the choice between giving in to peer pressure or losing the benefit of attending graduation, and therefore failed to meet the standard of the First Amendment. Only three of the justices—John Paul Stevens, Sandra Day O'Connor, and David Souter—said that the state cannot prefer religion over nonreligion even if no coercion is seen, which is what Lemon would have required. The four dissenting justices, including the Thomas, all agreed that the only coercion that violated the First Amendment was "coercion of religious orthodoxy and financial support by force of law and threat of penalty." The wall of separation as interpreted since the 1920s seemed to be crumbling rapidly.[28]

The Textbook Controversies

Conservative Christians visibly expanded their role in educational issues in the mid-1970s. In 1974, Kanawha County, West Virginia, which includes both the state's largest city, Charlestown, and a number of small towns home to some of the most productive coal mines in the country, suddenly received national attention for its textbook wars. In the spring of 1974, the board of education of the newly consolidated rural and urban district reviewed a set of textbook proposals from a group of teachers. Alice Moore, a board member and the wife of a local fundamentalist minister, objected to the purchase of the books and asked to review the books before final approval. At first, she was told that there was no time for further review. The board had to take the new books or use old texts for another five years. But Moore was not satisfied, and as she looked further at the texts, her dissatisfaction turned to anger. She said, "The more I

read, the more I was shocked. They were full of negative references to Christianity and God. There was lots of profanity and anti-American and racist antiwhite stories." Protests escalated quickly. The issue in this case was not evolution but anger over texts that included profanity and that seemed to reflect an elite and sophisticated cosmopolitan worldview out of keeping with the rugged individualism and fundamentalist religion of many of the county's parents. Conservatives called for a boycott of schools in the fall of 1974 to protest the offending textbooks.

What began as a local protest quickly expanded. Moore contacted Texas-based Mel and Norma Gabler, who were fast becoming national school textbook censors, and they supported Moore. When some ministers appeared before the board to support the texts, a larger group appeared to oppose them. In the fall of 1974, with the opening of school, protests exploded into a boycott by 8,000 out of the district's 46,000 students, a counter-walkout by students supporting the texts, firebombs, and gunshots at schools, buses, and protesters. The area had seen its share of violent strikes in the past, and in the 1974 battle, coal miners struck in opposition to the texts, in an action that coal companies said cost $2 million while school facility damage cost hundreds of thousands of dollars.

Parents' anger was exacerbated by their sense that they were unfairly portrayed as "poorly educated fundamentalist, rural, coal-mining 'creekers' [people living out of town—literally up the creek—who] were protesting schoolbooks in opposition to better educated professional and business people in Charleston." One teacher, Karl Priest, complained to an investigating committee that opponents of the boycott meant "to insinuate that [the protesters] are not sincerely offended; or are not capable of knowing when they *are* offended; or are not worthy of being considered." Liberals in teacher organizations, the media, and the national denominations were shocked by the violence and the rhetoric, such as that of one minister who prayed for the death of three school board members: "I am asking Christian people to pray that God will kill the giants that have mocked and made fun of dumb fundamentalists." It was an ugly divide.[29]

The West Virginia school wars could be a perfect case study for what Michael Apple has described: "Historically, in fact, grass-roots movements on the right, even in the 1920s, often . . . involved an opposition between a longing for and protection of self-governing, pious communities and decadent, hypocritical cosmopolitan elites." Sensing that textbooks were being imposed on their children—developed by "hypocritical cosmopolitan elites," did not reflect the values of their "pious communities," and denigrated them—parents rebelled.[30]

In the end, the school board set up a complex review process that involved parents and teachers. The board also adopted guidelines that required that textbooks "recognize the sanctity of the home and not intrude upon the privacy of

the family" and "that textbooks not contain profanity . . . [and] respect the rights of ethnic, religious and racial groups." While the National Education Association criticized the new process as so complex that it could virtually bring text selection to a standstill, the compromise seemed to hold.[31]

Kanawha County may have been the most famous but it was hardly the only school system torn apart by a clash between different religious and moral values and textbook selection. The school board of Warsaw, Indiana, banned books and fired teachers because of courses that raised issues of suicide, divorce, adultery, and drug use for class discussion. Other celebrated cases arose in such communities as the Island Trees district in suburban New York, Hawkins County schools in Ohio, and the city of Yucaipa, California.

There are important lessons to learn from all of these cases. This is still not a tolerant nation. People choose sides quickly, and people or ideas seen as foreign or dangerous are easily vilified. In a nation as divided as this, it is also easy for a small local case to take on symbolic proportions and to engage national figures with agendas far beyond the interests of the local combatants.

School censorship cases come back to some fundamental questions. Michael Apple asks: "Whose knowledge is of most worth?" Stephen L. Carter questions, "Who does have the right [to decide curriculum]?" The issue of "who decides" that William Jennings Bryan raised in the Scopes Trial is not resolved today. We need not concede ground to right-wing censors at a local or national level to agree that these questions need serious attention. Indeed, there are few better ways to fuel the increasing levels of fear and censorship than an imperious insistence on the right of experts to decide without attending to local sensitivities and to the concerns—religious or otherwise—of parents and other citizens. Arrogance on the part of either an intellectual elite or angry parents is a sure way of building anti-intellectual and antidemocratic movements.[32]

The Rise of the Religious Right

The emergence of the religious or, Christian, right has been analyzed by many scholars who, not surprisingly, disagree about the origins of a movement that quickly—and surprisingly to many—came to national prominence in the mid-1970s.[33] If we focus on school issues, however, several developments in the late 1970s make the rapid growth of a conservative religious agenda less surprising. As earlier noted, debates over evolution, prayer, and the content of textbooks had been simmering for some time. A new generation of conservative Christians, mostly Protestants but now including some Catholics, began to look at some of the changes in the cultural norms of society when the impact of the new National Science Foundation curriculum was being felt and Darwin was reemerging in the high school biology texts. Many fundamentalists began to

feel that they had a duty to oppose the spread of what they saw as atheistic evolutionary teachings and end their marginalization in the United States.

Conservative Christians were dissatisfied with changes in the nation's culture in general and in the federal government in particular. For evangelicals who believed that the United States should be a Christian nation, the Supreme Court's decisions in the 1960s ending school prayer and Bible reading were a major loss. The sexual revolution and school integration efforts of the later 1960s heightened the sense that the culture had gone awry. And new curricular materials that stressed evolution in the sciences and diversity in the humanities added to their discontent. There seemed to be more and more signs that much of what they believed in as Christians and Americans was being marginalized.

In her review of conservatism and school policy, Catherine A. Lugg has concluded: "What prompted fundamentalists to shed their self-imposed isolation was the seemingly rapid change in American social roles and mores during the 1960s and 1970s. Fundamentalists (and other social traditionalists) saw such issues as the abolition of organized prayer in public schools, the legalization of abortion, continuing campus unrest, the possible ratification of the Equal Rights Amendment, IRS investigations into the racial policies of fundamentalist schools, mandatory busing, affirmative action, the changing social/economic roles of American women, and the emergence of lesbian and gay rights movements as threatening the moral fiber of a 'Christian' nation." With such a list of seeming threats, political action—long avoided in conservative churches—seemed to them to become much more necessary.[34]

For some white conservative Christians, anger about racial issues, especially school integration, anger about what they saw as a frightening sexual permissiveness, and anger about religious issues such as evolution and school prayer were of a piece. While it is not fair, or accurate, to paint all white fundamentalists as racist, it is also unhistorical to fail to note the linkages. Alice Moore, the leader of the 1974 West Virginia anti-textbook crusade, got her start politically as an opponent of sex education and only later broadened her efforts. Private religious academies that had been created by white churches to avoid school integration felt under attack. And politicians knew how to build on all of these fears. Lee Atwater, the cynical political operative who was part of Ronald Reagan's team and managed George H. W. Bush's 1988 presidential campaign, said that he had learned that outright racial slurs backfired but campaigns could be built on "stuff like forced busing, states' rights and all that stuff." And Atwater said from there they could propose economic policies in which "blacks get hurt worse than whites," but the words are never said. Of such coding some—but not all—of the conservative reaction of the 1970s and 1980s was built.[35]

It is important to remember that in the 1970s, 1980s, and 1990s, many conservative Christians continued to avoid political involvement altogether, while

others were closer to the politically liberal but evangelical Christian president Jimmy Carter. Still, a growing number of preachers and laypeople believed, as Lugg said, that "involvement with political issues and campaigns, and the larger secular world, now became a religious imperative. Fundamentalists saw their (and more importantly, their children's) way of life and religious beliefs as threatened by an increasingly hostile and secular country." Here was a set of issues ready to make a significant impact in the political calculus of the nation.[36]

In 1976, the nation's only truly evangelical president was elected when Jimmy Carter defeated Gerald Ford in the aftermath of Nixon's Watergate scandal and pardon. Basing his political views in his deeply held Christian faith and the Baptist tradition, Carter came to a close working relationship with the Southern civil rights movement. Carter reflected the language and tone of religiously conservative America as no other president had or would. Did that mean that Carter's more liberal social agenda and his clear support for public education would create a new consensus? It was not to be.

For all of Carter's genuine evangelical faith, he was too far from the religious right on most policy issues for there to be much chance of an alliance. Once in office, Carter fulfilled his campaign pledges. He supported creation of a cabinet-level Department of Education, which many on the Christian right saw as a vehicle for federal control to be used against their values. He opposed school prayer, supported civil rights and specifically school integration, as well as abortion rights, gay rights, and the Equal Rights Amendment. And in 1978, with Carter's permission, the Internal Revenue Service began to take a much more critical look at racially segregated Christian schools in the South. So Richard Viguerie, one of the new-right activists of the 1970s, remembered, "Not only did the Carter administration ignore the born-again Christians, it actively and aggressively sought to hurt the Christian movement in America." For Ralph Reed, then only emerging as a major conservative Christian leader, and for many evangelical Christians, the change in IRS policy, was "nothing less than a declaration of war on their schools, their churches, and their children."[37]

As a result of their dissatisfaction with Carter, the religious right turned its back on him and supported the very secular movie actor Ronald Reagan in the 1980 election. While both the political right and the religious right were essential to Reagan's victory in 1980, they were never the same thing. The United States has always had conservative political movements. Conservative religious movements taking an active role in politics was something new. Nevertheless, as the discussion of the Nixon presidency noted, well before Ronald Reagan's inauguration, a new mixture of issues—partly anticommunism in foreign policy, partly domestic issues centered on opposition to the changing sexual mores, school integration, and what seemed like antireligious school policies, often grouped as, "family issues" had emerged.

A month before the 1980 presidential election, the *Conservative Digest* summed up the changes in conservative politics in the years leading up to Reagan's victory: "For the past 50 years, conservatives have stressed almost exclusively economic and foreign policy. The New Right shares the same basic beliefs of other conservatives in economic and foreign policy matters, but we feel that conservatives cannot become the dominant political force in America until we stress the issues of concern to ethnic and blue-collar Americans, born again Christians, pro-life Catholics and Jews. Some of these issues are busing, abortion, pornography, education, traditional Biblical moral values and quotas." The *Conservative Digest* saw a new political consensus and what it could mean for electoral politics in the coming years.[38]

Prior to the 1970s, conservative religious movements that emerged in white Protestant churches sought the maintenance or restoration of a Protestant America. Whether it was the Republican advocates of the Blaine Amendment, prohibiting any government aid to parochial schools in the 1870s, the Ku Klux Klan allied with Protestant churches seeking to close parochial schools in the 1920s, the voices against evolution in the Scopes Trial in the 1920s, the Protestant opposition to a Catholic president in the elections of 1928 and 1960, or even most people committed to keeping prayer and Bible reading in public schools in the early 1960s, the goal of these activists was maintaining a Protestant hegemony in the nation and in the education of its youth. Suddenly, in the 1970s, almost without notice, the scope broadened.

A hint of what was coming appeared in the 1960s prayer and Bible reading debates. While Roman Catholics had long fought to have reading from the Protestant Bible and the reciting of Protestant prayers banned from public schools, Catholic leaders did not support the Supreme Court's 1962 and 1963 decisions. By then, they were more worried about how deeply secular the schools were becoming than about keeping a Protestant Bible out of the schools.

In 1962, the nation's most prominent Roman Catholic leader, New York's archbishop Francis Cardinal Spellman, responded to the *Engel v. Vitale* decision, saying, "I am shocked and frightened that the Supreme Court has declared unconstitutional a simple and voluntary declaration of belief in God by public school children." His predecessor by a century, New York's archbishop John Hughes, would not have agreed. For Hughes, the Protestant prayers and the readings from the Protestant Bible were offensive, and if Catholics had to attend public schools, he wanted them to be as secular as possible. An attorney for Henry Hollenberg, an Orthodox Jew, also spoke in favor of the Regents Prayer in *Engel v. Vitale.* He feared that the result of doing "what these petitioners are now seeking to do, namely to eliminate all reference to God from the whole fabric of our public life and our public educational system." It was an odd

alliance. Earlier divisions, which had been so stark and so simple, were getting very murky.[39]

By 1978, the growing diversity of conservative religious groups could be seen when Pat Robertson, a leader of the emerging religious right, boasted of the new force on the American stage. Robertson said that, counting Catholics and Protestants, "we have enough votes to run the country. And when the people say, 'We've had enough,' we are going to take over."[40] *No* evangelical of any earlier generation would have said that. Two years later, the *Conservative Digest* noted that "born-again Christians, pro-life Catholics and Jews" would make up the heart of the domestic conservative agenda.

In the late 1970s, Jerry Falwell, leader of the Moral Majority, used his base as pastor of the Thomas Road Baptist Church in Virginia, his *Old Time Gospel Hour* broadcasts, his 1976 "I Love America" tour of state capitals, and his strategic alliances with Anita Bryant and Phyllis Schlafly to oppose gay rights, the Equal Rights Amendment, abortion rights, and *Roe v. Wade*, and to forge closer ties to Howard Phillips, Paul Weyrich, and other more secular right-wing leaders.

Under Falwell's leadership, the Moral Majority supported the development of a network of Christian schools while criticizing public schools for teaching evolution as fact, for the absence of prayer, and for sex education. With affiliates in all fifty states, the Moral Majority saw itself—and was seen by others—as a major force in the 1980 election, helping to elect a number of conservatives, the most visible of whom was Ronald Reagan. Perhaps as important for future developments, in the same election that made Reagan president, two Moral Majority candidates were elected to the Lee County School Board in Florida. Here was a grassroots, conservative religious organization to be reckoned with, in the White House, in the halls of Congress, and in local school boards.[41]

Ronald Reagan, Religion, and the Schools

Ronald Reagan knew how to pay his political debts, and the debt to the Moral Majority and other sympathetic individuals was one that the new president found easily compatible with his own beliefs. The administration came to power with a commitment to abolish the Department of Education and drastically reduce federal aid to education.[42]

In addition to bureaucracy and money, however, the Reagan administration also had a social agenda. In March 1981, two months into his administration, Reagan said: "Just as surely as we seek to put our financial house in order and rebuild our nation's defenses, so too we seek to protect the unborn, to end the manipulation of school children by Utopian planners, and permit the acknowledgment of a Supreme Being in our classrooms just as we allow such

acknowledgments in other public institutions." By January 1982, at the urging of Mississippi Republican congressman Trent Lott, the administration announced that it was backing off of Carter, Ford, and Nixon era tax policies that since 1970 had led the IRS to rule that segregated private schools were not eligible for federal tax exemptions, a policy that Carter had enforced especially strongly after 1978. The move was not surprising. The 1980 Republican platform said: "We will halt the unconstitutional regulatory vendetta launched by Mr. Carter's IRS Commissioner against independent schools."[43]

In April 1982, the president announced a tuition tax credit proposal to a sympathetic audience at the National Catholic Educational Association. Asked if such a proposal could be used to support schools for better-off citizens or segregated academies, Reagan, as he often did, made up the facts to suit his argument. He insisted that the bulk of the support would be for poor people and that "we have a proviso in the legislation we're going to send up that it cannot be used in any way to promote segregation." There was little factual basis for either assertion, but such a lack seldom bothered the genial president. More seriously, the tax credit proposal ran into trouble internally with Reagan administration's efforts to balance the budget and increase military spending. While it never went anywhere, the tax credit played very well with some of the core members of the now powerful emerging Republican majority.

Finally, in May 1982, the president announced a third step, a school prayer amendment to the US Constitution. Since 1962, there had been several unsuccessful efforts to amend the Constitution to accomplish this goal. Now Reagan accused the Supreme Court of misunderstanding the First Amendment and said: "The first amendment is to protect not government from religion, but religion from government tyranny. It says that the government will neither respect nor obstruct—or will neither institute nor obstruct religious practice. . . . I think what most people in this country—and the polls show that it is overwhelming, the percentage of people who want prayer restored—is the idea that by doing away with it, was almost as if there was an anti religious bias. It was as if saying to the children that this is no longer important." For all his tangled grammar, the president had struck a nerve. Twenty years after the Supreme Court's actions, this conservative said he was going to set things right.[44]

In a May 17 message to Congress, Reagan proposed an amendment for congressional action that read: "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer." The proposed amendment created a heated debate in Congress and in the country.

Senator Orrin Hatch, Republican of Utah and a devout Mormon, was irritated at the Reagan administration for its failure to consult him prior to pro-

posing the amendment, but he still supported it. In a Senate debate on March 6, 1984, Hatch said that prayers would teach students "that there is something outside of self, that God is the ordering power and intelligence behind the universe, that he and the things he creates are good, and that therefore efforts to learn about the created order are worthwhile. Thus through the very act of praying, a solid basis for learning is established." In an angry response, Senator John Danforth, Republican of Missouri and an Episcopal priest, said of the notion that praying was a way to support learning that prayer "should not be cheapened. It should not be trivialized. It should not be prostituted." And Senator Charles Mathias, Republican of Maryland, added that no one was stopping children from praying privately in school, and, indeed, that they could not be stopped. He asked, "Has God really been banished from our classrooms? If so, what is the omnipotent force that has achieved such a feat?'

The amendment passed the Senate 56–44, a majority but not the two-thirds majority needed to move a constitutional amendment to the states. It was not a partisan split. Nineteen Democrats voted for it and eighteen Republicans against. Though the amendment was born in the Reagan White House, the president never put the full force of his administration behind it. His top priorities were cutting the size of the federal government, winning the Cold War, and winning reelection in the fall of 1984. Senator Arlen Specter, Republican of Pennsylvania, remembered meeting with the president "in a very low keyed and unpressured" conversation. Spector voted no. Nevertheless, submitting a constitutional amendment to provide for school prayer did allow the president, for the rest of his career, to insist that he was the proud agent of letting "God back into the classroom and [permitting] voluntary prayer there." In 1983, a year before the Senate debate, the wily Terrell Bell, Reagan's previously unnoticed secretary of education, launched his report, *A Nation at Risk*, and the focus of education policy began to shift to issues of standards and educational quality.[45]

The most significant result of Ronald Reagan's proposed school-prayer amendment was that, while the Senate was debating the amendment, Mark Hatfield, a liberal Republican from Oregon, raised the question of making allowance for students who wanted to pray before or after school. As a result, both houses of Congress held hearings on the question of equal access to school property for religious activities in 1983 and 1984. One witness told the Senate committee: "Our problem is this: the Supreme Court's decisions have only invalidated teacher-led, school-initiated, government-sponsored prayer. Now this committee has heard accurate statements from around the country that there are school principals who say, 'We cannot allow the Fellowship of Christian Athletes to have a meeting at our school, even though we permit the key club and the rodeo club to meet.' " The witness went on to blame Reagan and his allies for the misunderstanding. "Do you know why they think that? They think

that, in part, because the President of the United States and many distinguished Members of Congress have for many years been misleading the American people by constantly stating that the U.S. Supreme Court has forbidden all prayer in the public schools. That is just not true." If enough people claimed that "God had been kicked out of the schools," it should not have been surprising that some people, including school administrators, would come to believe that such was the case. But if it was a misunderstanding, congressional action could easily correct it.[46]

As a result, in 1984, Congress passed the Equal Access Act, which allowed student political and religious groups the same rights as any other groups in a school. Under the law, a district could bar all meetings or allow all meetings, but it could not allow secular meetings and bar religious or political ones. The so-called limited open forum gave districts a level of discretion, but it did require that "it shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings." The law further required that the district could not attempt to influence any religious activity and could not require staff to participate when such participation violated their religious scruples.[47]

The Equal Access Act was upheld by the Supreme Court in *Board of Education of the Westside Community Schools v. Mergens* in 1990. In this particular case, Bridget Mergens, a high school student, was denied school recognition and meeting space for a Christian club that she proposed. Mergens's club was to be open to any student who wished to participate in Bible reading, discussion, and prayer. As the case made its way to the Supreme Court, a number of different groups filed friend of the court briefs on both sides. In an unclear and complex ruling, the court's majority sided with Mergens and with the Equal Access Law. Justice Sandra Day O'Connor wrote the majority opinion, which said that the school's denial of the student's request "constitutes a denial of 'equal access' to the school's limited open forum" and therefore violated the 1984 law.[48]

The Rutherford Institute, a conservative public policy and religious think tank that supported Bridget Mergens, emerged from the case as a major resource to religious students around the country who wanted to use school facilities to meet, to pray, and to study. The institute's lawyers successfully defended a student in Florida who handed out Bibles to his classmates, students in Colorado who handed out a religious newspaper, and similar groups of students in California, Pennsylvania, and elsewhere. Their *Rights of Religious Persons in Public Education* by their attorney, John W. Whitehead, is a popular publication with students and organizations claiming equal access protection.[49]

In spite of the success of the equal access movement, which seemed to many a reasonable resolution of the long-standing debates, neither liberals nor conservatives were satisfied with how the issue had been resolved. Some conservatives wanted more than mere permission to hold semiprivate meetings in schools while many liberals worried that the *Mergens* decision opened schools to more religious activity than they thought appropriate on public property. Most evangelicals enjoyed Ronald Reagan's rhetoric but never fully trusted the speaker. Reagan, and especially the succeeding Republican standard-bearers, George H. W. Bush and Robert Dole, may have enjoyed the support of and been willing to cater to religious conservatives, but when it came time to spend precious political capital, the emphasis went elsewhere. Yet it is important not to underestimate the power of symbolism. By the time Reagan departed for California in 1989, even though few of his educational initiatives—other than massive cuts in federal funding of most domestic programs—had been initiated, the basic nature of the national dialogue about education had shifted. The bully pulpit of the White House has power beyond regulation and legislation. And few presidents in the nation's history had understood that better than Ronald Reagan.[50] As Ralph Reed viewed Reagan's departure from the White House in 1989, he reflected, "When Ronald Reagan got on that helicopter, a great deal of the pro-family political capital went with him." Unlike the president, however, the movement did not go into retirement.[51]

Changing School Boards, Curriculum, and the Constitution, 1990–2000

On June 4, 1998, a majority of the members of the US House of Representatives voted in favor of yet another effort to amend the US Constitution in support of school prayer. The amendment that was proposed in 1998 read: "To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage, or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion." The vote on the proposed Religious Freedom Amendment was 224 to 203. Like previous efforts to amend the Constitution to provide for school prayer, the amendment fell short of the two-thirds vote needed to proceed to the Senate and the states for ratification. The fact that it reached the floor and garnered such strong support was a sign of the continuing political resonance of the school prayer issue as well as the political muscle of religious conservatives, especially the Christian Coalition at the end of the 1990s. When Republicans took control of the House of Representatives after the 1994 elections, they did so after issuing a Contract with America that among many other things promised to propose just such

an amendment. On this issue, they fulfilled their promise even if the amendment did not prevail.[1]

The Christian Coalition Takes the Lead

For a time after Ronald Reagan's retirement, it seemed as though the religious right had passed from the stage as quickly as it had been born. The Moral Majority, which had been so influential in the early 1980s, closed up shop in 1989. Sean Wilentz, writing in the *New Republic* in the spring of 1988, saw the end of its influence: "Rarely in modern times, has a movement of such reputed potential self-destructed so suddenly. Free thinkers may want to reconsider their skepticism about divine intervention." But reports of the religious right's demise were, as they saying goes, significantly premature.[2]

There were several reasons for assuming that the religious right had reached the end of the road in 1988–1989. The end of the Moral Majority and Jerry Falwell's political leadership and the replacement of Reagan with the "kinder, gentler"—and even more secular—George H. W. Bush (the first president Bush) among them. Bush's crushing defeat of the evangelical candidate Pat Robertson in the 1988 primaries seemed to signal the end of political campaigns based on conservative religion. If Robertson's campaign was a measure of the religious right's influence, it was clearly limited. However, for observers willing to take a longer view, the Robertson campaign could be seen as the opening salvo in a new war for the heart and soul of both the Republican Party and the nation.

As Justin Watson has shown in his book *The Christian Coalition: Dreams of Restoration, Demands for Recognition*, Pat Robertson was the logical heir of both Falwell's Moral Majority and Ronald Reagan's presidential campaigns. He was certainly not a "typical" conservative religious leader, if typical meant a product of the poorer, more rural, and less-educated parts of the nation. Robertson's father, A. Willis Robertson, had been the Democratic US senator from Virginia for twenty years. After graduating from Washington and Lee University in 1950 and serving in the Marine Corps in Korea, Robertson earned a law degree from Yale University in 1955. A year after receiving that degree, while living in New York City—hardly the normal seedbed of conservative religious movements—Robertson had a religious conversion experience and began moving toward a Pentecostal-style faith. He earned a degree from New York's Biblical Seminary in 1959. In 1960, he returned to Virginia and was ordained as a Southern Baptist minister, and he began WYAH-TV in Norfolk in 1961. Throughout the 1960s, Robertson's station grew into the Christian Broadcasting Network, and he became a national figure with *The 700 Club*, which mixed news, evangelism, and healing.

Too few secular commentators have taken the time to understand the differences, between Pentecostals and fundamentalists, which are significant. Pentecostals, with their emphasis on direct inspiration from the Holy Spirit, represent a different strand of the conservative religious movement than fundamentalists like Falwell, who give primary attention to the literal words of the Bible for inspiration and do not place much trust in those, including Pentecostals, who claim divine inspiration on their own. As a religious leader who gave primary attention to the workings of the Holy Spirit, Robertson moved into politics cautiously, having high hopes for the evangelical Carter in 1976 but breaking with him soon after the inauguration. In 1980, he was cochair of the "Washington for Jesus" rally, which drew hundreds of thousands to the Mall the April before Reagan's election.

Through the Reagan years, Robertson began to try to position himself as Reagan's successor. He combined a persona as a successful businessman, as head of the Christian Broadcasting Network, and as a conservative religious leader. He received support from many in the conservative movement who distrusted Reagan's vice president, George Bush, as someone who was insufficiently conservative. The heart of Robertson's nascent campaign, however, was always his appeal to the religious right to "Restore the Greatness of America through Moral Strength." He warned of the "antichrist spirit" and worried: "The people in a society begin to throw off the restraints of history, then the restraints of written law, then accepted standards of morality, then established religion, and finally, God Himself." As Watson has said, "Both his supporters and his opponents seemed to understand that he was not only calling merely for a renewal of traditional morality, but a restoration of 'Christian America.' "[3]

Robertson had a powerful appeal for some Americans whose prospects had not brightened as much as they hoped with Reagan's policies. Religious conservatives were disappointed by the fact that Reagan, in spite of his rhetoric, seemed unable even perhaps uninterested in legislating changes in school prayer or teaching about evolution. For religious, social, and economic reasons, there were many who continued to feel marginalized by what they saw as a distant and increasingly secular society. As Richard Cizik of the National Association of Evangelicals said, "Those who follow Robertson tend to feel discriminated against. They have a bunker mentality. They feel modernity is against them—in matters dealing with sex, crime, pornography, education." The heirs of William Jennings Bryan's followers were alive and well in American politics. They had shown their influence in Alice Moore's campaign for more traditional textbooks in West Virginia, in Catholic activist Phyllis Schlafly's successful campaign against the Equal Rights Amendment in the 1970s, and in the power of the Moral Majority through much of the 1980s. Even more than in the 1920s or 1970s and early 1980s, by the time of the 1988 elections, many felt themselves

to be victims of "anti-Christian bigotry." Although Pat Robertson ran for president in 1988, the real power of the Christian Coalition was seen in the 1990s when the Coalition turned to grass-roots organizing."[4]

The importance of Robertson's presidential campaign must be seen in the themes into which it tapped and the successful efforts to mobilize large numbers of people in caucuses and primary elections. After his defeat in the primaries, Robertson outlined the next part of the agenda: "We are going to place Pat Robertson people on city councils, school boards and legislatures all over this country." The school boards were especially important. And the vehicle for doing that was born a little over a year later when Robertson, in a new alliance with the organizing genius Ralph Reed, announced the formation of the Christian Coalition, designed to create a grassroots campaign to "make government more responsive to the concerns of Evangelical Christians and pro-family Catholics." It was a powerful alliance that had its greatest impact on local elections for school boards and town councils.[5]

Robertson and Reed were able to mobilize citizens through a series of publications, most notably the *Christian America* magazine, through Reed's Christian Coalition Live broadcasts as well as Robertson's continuing *The 700 Club,* and through their website http://www.cc.org. They also created a nationwide network of "church liaisons," who distributed coalition information and voter guides and recruited voters in congregations across the country. The Christian Coalition also recruited and supported candidates in many local elections. They described their approach to politics as "Think like Jesus. Lead like Moses. Fight like David. Run like Lincoln." In 1996, Reed told the National Press Club that "there are an estimated 2,000 religious conservatives who now serve on school boards, city councils, state legislatures and in Congress." Even giving room for a bit of hyperbole in Reed's statement, this was a powerful cadre of people ready to influence local policy, especially school policy, along the lines of the Coalition's agenda.[6]

While the Christian Coalition had multiple agendas—including tax relief for charitable giving and for tax-free empowerment zones in poor neighborhoods, tough approaches to drugs and crime, an end to abortion rights, and other things they perceived as pro-family—they also had a significant concern for the schools. Underlying all of the specifics of their educational goals, the leaders of the Christian Coalition had a decidedly negative view of the public schools. For Pat Robertson, the "public school cartel" represented a group of elitist liberals out of touch with the majority of Americans and in "basic denial of the value of Western tradition and a repudiation of the role of religion in the welfare of the community."

Ralph Reed, always the more cautious of the two coalition leaders, stated that he was simply defending "the rights of parents to mold and shape the

souls of their children [who] should be respected" and who should run for school boards across the country to protect those rights. Robertson claimed that the National Education Association (NEA), the nation's major teacher union, had, as part of its agenda, a goal "to wean children away from loyalty to 'the outdated religious superstitions,' loyalty to the family, loyalty to the United States, and belief in free market economics, and then to introduce them to socialism and world citizenship." While such an agenda might be news to the NEA, such fears could not easily be dismissed. Speaking of both Falwell and Robertson, Stephen Carter wrote, "Secular liberals have rarely appreciated and have never seemed sympathetic to what Falwell instinctively understood: the powerful sense of an America spinning out of control in ways that are, for many religious people, profoundly threatening." Such views may be mistaken. They may well be manipulated for many other ends by leaders such as Falwell and Robertson. But they existed and could not be ignored.[7]

On *The 700 Club*, Robertson said that he believed that "the public education movement has also been an anti-Christian movement. . . . We can change education in America if you put Christian principles in and Christian pedagogy in." And they knew what they meant by Christian principles and pedagogy—school prayer and an end to sex education and the teaching of evolution.

Christian Coalition's leaders desperately wanted to secure public funding for religious schools. They also wanted to be sure that their views and those of their supporters were, at minimum, respected in the public schools. Reed used the language of multiculturalism to defend the rights of conservative religious people. He said: "African-American parents do not want their third-grader learning language that denigrates their race. Deeply religious parents do not want their children taught ideas about morality that directly contradict their religious beliefs. . . . [The school's] primary job is to reinforce the basic values taught at home, not experiment with alternative value systems."[8]

In his study of the Christian Coalition, Justin Watson concluded that there was a deep fissure running through all of the coalition's work. He described "an obvious and fundamental tension between the calls for the restoration of a Christian America and the demands for recognition of evangelical Christians as a persecuted group. The calls for restoration involve a rejection of the legitimacy of social and religious pluralism as an accepted norm of American society. The demands for recognition, in contrast, depend on the norms of pluralism for legitimation." That "fundamental tension" appeared often in the coalition's stance regarding public education. Ultimately, Watson concluded that the coalition wanted both. "They want 'their place at the table' and they want everyone at the table to agree with them. They want a Christian nation and religious freedom. As contradictory as it may seem, they want to have their cake *and* to eat it too."[9]

Dividing the coalition's goals, as Watson does, is helpful. People need not debate whether or to what degree conservative Christians are a persecuted group to believe that a pluralistic society demands freedom and respect for all members—even those with whom people may disagree sharply. Most people would agree that the schools of a pluralistic and free society should treat all of the students, including the daughters and sons of Christian Coalition members, with respect, just as they should do so with the daughters and sons of atheists, Hindus, Jews, and Muslims. Reed's analogy with multiculturalism is not a bad one. Schools ought to respect the culture of all students; more than that they ought to be places where students learn about one another, one another's cultural heritage and deepest beliefs, and one another's rights. Embracing that part of the coalition's agenda makes logical sense to anyone who believes in a democratic society. It is probably also good politics. The demand for "restoration" of a Christian America (whether restoration is the historically correct term or not), the demand that everyone at the table agree with them are reminders that the Coalition had lurking within it a potential for cultural tyranny that could, if its adherents achieved sufficient power, make the schools and the larger society an oppressive place for many dissenting citizens and a narrow minded one for all. For all of its complaints about centralized governmental authority and "statism," there was an authoritarian vein within the Christian Coalition that left precious little room for the religious, moral, and cultural values of most citizens of this country.

One example of the local focus of much of the Christian Coalition's efforts could be seen in the 1992 school board elections in Vista, California, a small town near San Diego. In that election, two candidates, John Tyndall and Joyce Lee, ran on a "pro-family and anti-teacher union" platform. They both won. The conservative journal *Focus on the Family Citizen* provided a detailed report on the election and its aftermath. From the journal's perspective, Tyndall and Lee were unfairly scapegoated because they were pro-family conservative Christians. According to an article about the election and its aftermath in *Focus on the Family Citizen* on October 16, 1995, this was true even before they took office. The Vista Teachers Association was certainly distrustful because the two newcomers had defeated incumbents who were seen as allies of the union but also because of their antiunion rhetoric. Tyndall and Lee increased the apprehension of many voters when they were part of a board majority voting for an abstinence-based sexuality curriculum.

The heart of the battles came over the teaching of evolution, however. Tyndall denied that evolution was a major issue for him. He told the *Focus on the Family Citizen* reporter, "During the campaign, I was asked about putting the subject of creation into science classes. . . . I replied that it wasn't a concern of mine." Critics had reason to wonder about the comment. Tyndall's employer,

the Institute for Creation Research, was part of a network of organizations in El Cajon, California, that was founded in the 1970s to support scientific creationism. One of the network's founders, Henry Morris, had insisted in 1978: "We must stress once again that this question of creation or evolution is not merely a peripheral scientific issue, but rather is nothing less than the age-long conflict between God and Satan. . . . Any educational system for the training of the coming generation must and will seek to inculcate one or the other." It was hard for observers to believe that Tyndall's views might be so different from those of Morris.

Not surprisingly, hidden agendas and stealth tactics create a high level of distrust. The liberal organization People for the American Way quoted Ralph Reed as having said, "I want to be invisible, I do guerrilla warfare, I paint my face and travel at night. You don't know it's over until you're in a body bag." They also noted that Tyndall described the Institute for Creation Research as simply a research institution without noting that the focus of the research is creationism. None of this built trust. A spokesperson for a local anti–Christian Coalition group, the Mainstream Voters Project (MVP), said, "One of the things that concern[ed] MVP" is that these conservative candidates appear to be "approaching this from a moral standpoint, as though they are on the side of morality. And yet we see various things in their campaigns that don't appear to be moral, ethical or legal." In such battles, the stakes are very high, and vilification is not a surprising result. In the long run, however, less stealth and more honesty might have built a higher level of trust.

In any case, Tyndall and Lee were voted out in a recall election in November 1994. *Focus on the Family Citizen* reported the vote as one for peace at any price in a community that was tired of controversy. Michael Hudson of People for the American Way saw the vote as an important step in organizing a new majority. "The challenge of all challenges," he wrote, "will be how organizationally we can replicate what we were able to do in San Diego in hundreds, if not thousands, of communities." From People for the American Way's perspective, Vista was a small town that had been targeted for infiltration by a national conservative movement. People for the American Way only played a supportive role in stopping that. For the Christian Coalition, the opposite was true. They said that local conservatives with no special ties to national organizations had engaged in their democratic right to run for office. They had been targeted and vilified by national organizations and the national media—meaning especially People for the American Way—because their honest opinions went against the national grain. It was ironic that national organizations on both sides of the Vista battle claimed distance, rather than more credit, for their local efforts. In spite of Ralph Reed's proud boast of 2,000 conservative Christians on school boards across the country, each side sought to portray the

Vista fight, and others like it, as primarily a local issue in which the national organizations were only marginally involved.[10]

The Christian Coalition was far from the only conservative religious group on the national scene in the 1990s. Pat Buchanan was a conservative Catholic who operated quite independently of the Christian Coalition. Buchanan was an adviser to Republican presidents dating back to Nixon and White House communications director for Reagan. He declared a "religious war" for America at the Republican Convention in Houston in 1992, and he campaigned for the presidency in that year, and again in 1996, and 2000 on similar themes. He and his followers were militant and called themselves "peasants with pitchforks." The Buchanan campaigns frightened Reed and Robertson. Buchanan seemed more extreme than they were and they worried that his campaign might hurt their efforts to broaden the appeal of the Christian Coalition. According to Reed, he told Buchanan early on that the coalition would remain neutral. Buchanan responded, "You just keep working on those school board races and leave the presidency to me." The Buchanan campaign, organized around an outsider, antiabortion, antigovernment, protectionist agenda, with a Roman Catholic candidate, represented a powerful, but different, part of the religious right in America.[11]

Phyllis Schlafly, also a Catholic and a longtime Republican political activist, came to national attention for her opposition to the Equal Rights Amendment in the 1970s. In the mid-1980s, Schlafly shifted the focus to education, following the publication of her book *Child Abuse in the Classroom.* Schlafly supported home schooling and a "Pupil Rights Amendment" to restrict psychological testing in school. She worried about what she saw as efforts in schools to "deprive children of their free-exercise-of-religion-rights, or impose on children courses in explicit sex or alternate lifestyles, profane or immoral fiction or videos, New Age practices, anti-Biblical materials, or 'Politically Correct' liberal attitudes about social and economic issues."[12]

Other voices, some far removed from the Christian Coalition, also presented their own interpretation of how conservative religious people should approach public schools in the 1990s. In *The Culture War in America: A Society in Chaos*, Bob Rosio, pastor of Cheswick Christian Fellowship and founder of Cheswick Christian Academy in Pennsylvania, saw the culture wars of the 1990s as a necessary enactment of the battle between God and Satan prior to the end of the world. For Rosio, educational policy is one of the prime battlegrounds in this war. According to Rosio, the early twentieth education philosopher, John Dewey, clearly on the devil's team, "rejected the idea of traditional authority (i.e., religion, family, tradition), opened the door to educational chaos." The alternative, for Christians, was to fight without compromise for a society in which all "legitimate authority is based on God's authority. God's authority is

a bulwark against the spiritual forces in the universe and the very laws of nature (beginning with the Fall of Man) which are constantly moving everything toward breakdown, dissolution, and disintegration."[13]

Liberal Responses

Despite the conservative tenor of the times, conservative religious groups never had the stage to themselves in the educational debates of the 1990s. The best-known organizations that opposed the religious right were the American Civil Liberties Union (ACLU), Americans United for Separation of Church and State, and People for the American Way. The ACLU had been the major force behind the Scopes Trial and had defended Scopes in that 1925 battle. It never stopped its efforts to challenge religious conservatives, especially when it felt that they were undermining rights of free speech or the separation of church and state. Americans United was created in 1947 when President Truman first proposed federal aid to education. Its founders feared that such aid would include federal funding for private religious schools, and they wanted to make sure that did not happen. Because of its origins in opposition to public funding of parochial schools, Americans United has sometimes been seen as anti-Catholic, though by the 1980s and 1990s its focus was on working, as they said, "exclusively to protect and defend the constitutional principle of church/state separation." Many of the cases they took in involved efforts by the Christian Coalition and its allies, or local groups that shared the same philosophy, to introduce religion into the public schools. People for the American Way was founded after Ronald Reagan's electoral victory by a group, including television producer Norman Lear, former Notre Dame University president Father Theodore Hesburgh, and former congresswoman Barbara Jordan to monitor the influence of the Moral Majority and later the Christian Coalition and to counter the "political agenda of the Religious Right."[14]

Americans United for Separation of Church and State claimed 50,000 members in the 1990s. It publishes a monthly magazine, *Church & State*, and a wide range of brochures and other materials and cultivates links with print media, radio, and television. A significant part of its work is also conducted through its legal program, which supports lawsuits and amicus curiae briefs on church-state matters and offers legal assistance to people and groups seeking to maintain the "wall of separation" between church and state. Americans United has been active in many court cases opposing the Supreme Court's 1997 *Agostini v. Felton* decision in which the Court allowed teachers paid with federal funds to deliver services inside the buildings of religious schools and challenging Wisconsin's 1998 voucher program, which allowed funding for parochial schools (see chapter 10). In addition to school funding cases, Americans United successfully challenged Alabama's "Student-Initiated Prayer Statute," which allowed

many kinds of prayer and Bible distribution in schools, and it worked closely with the ACLU in opposing obvious religious displays and other observances on public property. It continues all of these efforts in the twenty-first century.[15]

Better known, in part because of its 300,000 members and high-profile challenges to the Christian Coalition, People for the American Way continued to monitor and challenge the Christian right's every move in the 1990s and into the twenty-first century. In November 1996, People for the American Way was among the groups opposing the Christian Coalition–sponsored "Colorado parental rights amendment," that included the right to censor school books, to place limits on drug awareness and other programs and on school investigations of cases of suspected child abuse. When Colorado voters rejected the amendment 57 percent to 43 percent, People for the American Way claimed much of the credit. The organization has been equally involved in school board elections in Texas and California and publicizes these issues widely through its networks.[16]

Formal organizations are not the only opponents conservative religious groups face. The visibility of conservative religious activists at the 1992 Republican Convention in Houston, Texas, was seen by many as an important element in George H. W. Bush's defeat in the presidential election that fall. Certainly, Bob Dole, the 1996 Republican nominee, made sure that his nomination was not tarnished in the same way. There are many Americans—probably a majority—who no matter what their personal beliefs are profoundly uncomfortable with what they see as efforts to break down the historic wall of separation between church and state, especially if those efforts seem like they will impose religious practices on an unwilling minority. And many educators have been challenging the ideology of the religious right in local and national forums.

In August 1996, David C. Berliner, a well-known educational psychologist and coauthor of *The Manufactured Crisis: Myths, Fraud, and the Attack on America's Public Schools* (1995), gave a major address at the American Psychological Association meeting in Toronto, Canada. In that speech, which he later published, Berliner outlined what he saw as the impossibility of any accommodation with the Christian right given its inability to compromise, its fear of losing control, and its deep dislike of many of the elements of a pluralistic democracy, not the least of which is the separation of church and state. While recognizing that "members of the Christian right do not, of course, talk with unanimity on most subjects and, for that matter, neither do the members of the educational psychology community," Berliner sought to outline the basic differences between the two camps.[17]

For Berliner, many in the Christian Right wanted to "abolish the public schools [and] get the government out of the education business." Others, Berliner said, wanted to take over the schools and restore the values of a Christian

America in them. Berliner cited Robert Simonds who wrote: "We need strong board members who know right from wrong. The Bible, being the only true source on right and wrong, should be the guide of board members."[18]

Berliner also said that some conservatives, such as James Dobson, advocated physical punishment and breaking the will of the child. Such submission, Berliner noted, is hardly consistent with most of modern psychology, which rejects violence and supports the idea that children learn best through discovery. But discovery or what the National Council of Teachers of Mathematics called a "belief that learning mathematics is a sense-making experience" was for some conservatives a way to undermine a faith in absolute values and a divinely ordered world. Thus, their opposition to "new math," "whole language instruction," and other similar reforms is not quirky as it might seem to an external observer but part of an alternative worldview that rejects ambiguity in the name of moral, religious, and educational absolutes. Given these deep divisions, Berliner believed that "negotiations on many issues is impossible."[19]

While Berliner called liberals to challenge the Christian Coalition, Stephen Carter called on the same groups to out-organize them at the grassroots level. So Carter wrote:

> If, as Tip O'Neill used to say, all politics is local, then the defeat of the Christian right will not come about because smart philosophers dream up clever but naked versions of the public square, that is, it will not be an *intellectual* defeat. It will not come about because thoughtful judges engage in a fruitless effort to rule religious motivations for government activity out of bounds, which is to say, it will not be a *legal* defeat. It will not come about because concerned citizens issue comprehensive lists of all the many sins that the religious right has committed, which is to say, it will not be a *public relations* defeat. No, the defeat of the Christian right—if indeed defeat is to be—will come in precisely the arena that Tip O'Neill would doubtless say that it must: local politics.

Local politics is a difficult arena in which to work. It takes time and getting to know one's neighbors. It involves mobilizing large numbers of people and providing a compelling vision of a different society that is appealing enough to engage lasting energy. And as the civil rights and antiwar movements, like many before them, have shown, it is the only way lasting change happens.[20]

School Prayer in the Clinton Era

Looking at the United States during the last years of the twentieth century, we see a wide range of issues in which a conservative religious movement and a usually more secular liberal movement are contesting terrain. Lawyers for the Christian Coalition and its affiliate, the American Center for Law and Justice,

or one of their allied organizations, appear in courts across the country in battles with the legal program of Americans United for Separation of Church and State, People for the American Way, the American Civil Liberties Union, or one of their allies. At century's end, lawyers from the two sides could be found facing each other in battles over school prayer in DeKalb and Talladega Counties, Alabama; in school funding and voucher cases in Wisconsin; in equal access for religious group cases in San Diego, California; and in 1997 lawyers for both sides appeared once again before the Supreme Court, debating the proper funding of programs offered under the federal Elementary and Secondary Education Act. In addition, representatives of both movements battled over school board races and other local campaigns in almost every state in the union.

By the 1990s, the conservative religious right had become a solid base of support—and had found solid support—in the Republican Party. That had not always been true. The religious surge of the 1950s had no particular partisan allegiance. As sociologists Robert Putnam and David Campbell wrote, "Republicans and Democrats, liberals and conservatives were equally represented among those thronging the pews." Even as late as 1984, as we saw in chapter 8, the Senate battles of that year over school prayer had Republicans and Democrats on both sides of the issue. By the 1990s, however, the lines were more clearly drawn. Conservative religious groups supported Republicans. Democrats were generally distrustful of their intentions. In that context, the election of Democrat Bill Clinton in the 1992 presidential elections did not end the battles over religion and the schools. Indeed, having a Democratic president in office seemed to free up many conservatives in Congress to push further for issues of concern to them.[21]

Along with Clinton, the 1992 elections included a Democratic-majority Congress. That majority passed the Religious Freedom Restoration Act (RFRA) in the spring of 1993. The act, which had unusual bipartisan support, was specifically aimed at countering a 1990 Supreme Court ruling in *Employment Division of Oregon v. Smith*, a case that, at least in the eyes of many in Congress, had overturned a long-standing precedent that "government had to demonstrate that it had a compelling State interest in burdening the free exercise of religion and that it used the least restrictive means of furthering that interest." For Democrats, the RFRA was a way to undercut the Republican alliance with religious conservatives and bring some quiet on the issue. The act simply made the requirement of "compelling state interest" into law and required that when there was a compelling interest to limit a religious freedom, it should be done through "the least restrictive means of furthering that compelling governmental interest."

The RFRA had unusually widespread support from many groups, from the American Civil Liberties Union, Americans United for Separation of Church and State, the National Council of Churches, and the American Jewish Congress, to the National Association of Evangelicals and the Home School Defense Fund. Attorney General Janet Reno strongly supported the act. While some school officials worried that "students may attempt to use RFRA to get prayer in school or at school-sponsored activities," the National School Board Association's Council of School Attorneys seemed comfortable that "it is exceedingly doubtful that a RFRA claim would be upheld in any situation because of the option students have to pray silently in school or aloud in non-school locations." The 1993 act was hardly as controversial as many that had come before or would come after, but it was a symbol of the times: many felt that the Supreme Court had tipped the balance too far toward a neutrality bordering on hostility toward religion rather than mere separation of the two realms. In fact, the Court overturned the act in 1997. A majority of justices, in a 6–3 decision, said that "Congress does not enforce a constitutional right by changing what the right is." The results of the court decision were unclear, and subsequent decisions have not helped.[22]

The lack of clarity in church-state-school matters stemming from a number of Supreme Court decisions has been the source of a great deal of anger and frustration. Writing in 1990, the religious historian Edwin Scott Gaustad reviewed the history of the Supreme Court cases on religion and public education since the 1947 Everson decision, including one 1977 case in which the justices issued seven separate dissents to one or more parts of the decision and concluded that "a rough road lay ahead." So when Gaustad looked at the 1960s, 1970s, and 1980s, he saw more and more 5–4 decisions, more angry rejoinders, and concluded: "The complexity of the case began to resemble a theater of the absurd as 'Mr. Justice Brennan concurred in part and dissented in part' and filed an opinion in which two other justices joined. 'Mr. Chief Justice Burger concurred in the judgment in part and dissented in part and filed opinion. Mr. Justice Rehnquist concurred in the judgment in part and dissented in part and filed opinion' in which another justice joined. Did anybody know which way the compass pointed, or did magnetic north just keep jumping around?" Constitutional scholars might debate the fine nuances of these cases, but for lowly school board members or teachers, seeking to find their way through the labyrinth of opinions to the right thing to do in response to a given situation in a given school, the signals were far from clear. While Earl Warren had persuaded his colleagues that it was essential for the court to speak to the nation with one unanimous voice in the historic *Brown v. Board of Education* decision in 1954, on matters of religion and the schools, the philosophy of the Burger and Rehnquist courts seems closer to "let a thousand flowers bloom."[23]

Heated debates about school prayer, which had begun in the 1960s, continued all through the 1990s. When the Supreme Court had originally delivered its 1962 and 1963 decisions banning formalized prayer in the schools, Alabama governor George Wallace, who was already locked in a battle with the court and the federal government over school desegregation, added prayer to his list and insisted that prayers would continue in Alabama schools. Nullification of federal requirements was taking on new and interesting dimensions. In fact, many schools in many states seem to have simply ignored the Supreme Court from the 1960s to the 1990s. If someone objected and the case went to court, federal law usually prevailed. In a homogeneous community, if everyone kept quiet—out of conviction or peer pressure—little was done to challenge many forms of prayer and religious observance.

By the 1980s, half of the states had already sought compromise in laws requiring a moment of silence in the public schools. A Massachusetts law required: "At the commencement of the first class of each day in all grades in all public schools the teacher in charge of the room in which each such class is held shall announce that a period of silence not to exceed one minute in duration shall be observed for meditation or prayer, and during any such period silence shall be maintained and no activities engaged in." This law survived a federal court challenge in 1976, when District Court judge Frank Murray ruled, "In our view plaintiffs have failed to show the absence of a neutral, secular purpose for the opening moment of silence."

In 1982, Kentucky had followed Massachusetts' lead, but the U.S. District Court in that state found that the law violated the First Amendment. A year later the federal district court in New Mexico found that a similar law there was a "transparent ruse meant to divert attention from the statue's true purpose." A New Jersey law was also overturned based on the federal court's focus on the legislature's intention, which seemed clearly "to evade Engel and Abington Township." In spite of the Massachusetts precedent, the scorecard was not running in favor of moments of silence.

The Supreme Court became involved in the question when it ruled that an Alabama law authorizing a "1-minute period of silence in all public schools for meditation or voluntary prayer" constituted an establishment of religion and violated the First Amendment. Justice John Paul Stevens wrote the majority opinion in which he said: "The record . . . reveals that the enactment of [the Alabama statute] was not motivated by any clearly secular purpose—indeed, the statute had no secular purpose. The sponsor of the bill . . . Senator Donald Holmes, inserted into the legislative record . . . a statement indicating that the legislation was an 'effort to return voluntary prayer' to the public schools." The court's majority found this unacceptable and ruled against mandated moments of silence. As with so many decisions, however, the court was less than

completely clear. A minority challenged the concept of basing a ruling on the legislature's debate about the law rather than focusing specifically on what the law said. And the majority did not close the door on any moment of silence if the legislation could show a clearly nonreligious purpose.[24]

As we saw in chapter 8, the court's 1992 decision in *Lee v. Weisman* yielded further confusion. While the court ruled 5–4 in favor of the Weismans' objection to the prayers at graduation, their ruling did not provide the clarity many wanted.[25]

A year after the *Lee v. Weisman* case in June 1993, the Supreme Court declined to review a decision by the federal Fifth Circuit Court of Appeals that allowed student-led prayers at graduation after the high school seniors had conducted a vote on whether to include them. The appeals court found that student-voted and student-led prayers "place less psychological pressure on students than the prayers at issue in Lee because all students, after having participated in the decision of whether prayers will be given, are aware that any prayers represent the will of their peers, who are less able to coerce participation than an authority figure from the state or clergy." Many might disagree with the court on the power of peer pressure. Others debated the student-led prayer case following predictable lines. According to a report on ABC's *World News Tonight*, Pat Robertson responded to the appeals court ruling by sending letters to 15,000 high schools urging students to initiate graduation prayers. Lawyers from the expected organizations lined up on either side of the case, but the Supreme Court continued to side step the issue.[26]

In spite of the lack of any clarity or resolution—indeed, perhaps because of the lack—debates about school prayer remained extremely heated throughout the 1990s. In early February 1994, the Senate voted 75 to 22 in favor of an amendment sponsored by Senator Helms of North Carolina and Senator Lott of Mississippi that would amend President Clinton's signature education legislation, Goals 2000, to add these words: "No funds made available through the Department of Education under this act, or any other act, shall be available to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally-protected prayer in such public schools." The meaning of "constitutionally protected prayer" remained a bit unclear, but for Helms and Lott, this amendment was a step toward improving the climate for school-prayer. To Helms's considerable rage, however, the House-Senate Conference Committee removed the amendment before the final Goals 2000 legislation returned to the Senate later in the spring, but that simply provided one more opportunity for him to voice

his frustration that the will of the people, as he saw it, was not being heard on the question of school prayer.[27]

In the fall of 1994, Helms engaged in a filibuster to block a Senate vote on the reauthorization of the Elementary and Secondary Education Act, originally passed in 1965. As with Goals 2000, Helms wanted his school-prayer amendment included before he would allow the Senate vote. While in 1965, President Johnson had finessed the religion issues—then focused primarily on federal money for parochial schools—the Senate leadership of 1994 clearly had no such luck with the divisive issue of school prayer, and the reauthorization battle lasted far longer, and was far more bitter, than the original passage of the Elementary and Secondary Act had been. It was a sign of the divided times in which Congress was meeting.[28]

In July 1995, President Clinton, working with Attorney General Janet Reno and Secretary of Education Richard Riley, issued a detailed set of guidelines designed to govern various expressions of religion and prayer in the schools. The guidelines were an effort to use administrative authority to bring clarity, and perhaps even a reasonable compromise, to the lack of clarity emanating from the Supreme Court and Congress. They were also, no doubt, aimed at offsetting the growing pressure from the Christian Coalition and many Republicans for an amendment to the Constitution to provide for school prayer and, not incidentally, for a Republican president who might more easily support such an amendment. While the Christian Coalition's May 1995 "Contract with the American Family" said, "With each passing year, people of faith grow increasingly distressed by the hostility of public institutions toward religious expression. We have witnessed the steady erosion of the time-honored rights of religious Americans. . . . The time has now come to amend the Constitution to restore freedom of speech for America's people of faith," the president took a far more optimistic view.[29]

In the presidential guidelines issued in 1995, Clinton began by noting that "the First Amendment permits—and protects—a greater degree of religious expression in public schools than many Americans may now understand." In this, the president was certainly correct. Fearful of overstepping the line, especially in light of the Supreme Court's murky guidelines and the angry rhetoric in Congress, many school administrators had limited student rights in terms of private prayer, carrying or reading Bibles, wearing religious attire, or gathering for after-school prayer meetings and Bible study. And each time such a limitation was imposed, conservative groups jumped on it as one more sure sign that government—at all levels—was not neutral but actively antireligious. For the students experiencing such inappropriate limitations, government certainly seemed to be antireligious. The time had come, the president and his senior cabinet officers seemed to be saying, for much more care in such matters.

Thus, the 1995 federal guidelines continued with an introduction outlining the rights to religious expression that federal law protected for students:

> The Establishment Clause of the First Amendment does not prohibit purely private religious speech by students. Students therefore have the same right to engage in individual or group prayer and religious discussion during the school day as they do to engage in other comparable activity. For example, students may read their bibles or other scriptures, say grace before meals, and pray before tests to the same extent they may engage in comparable nondisruptive activities. Local school authorities possess substantial discretion to impose rules of order and other pedagogical restrictions on student activities, but they may not discriminate against religious activity or speech.

Students clearly had significant rights, and the 1995 federal guidelines, revised in 1998, were designed to maintain them.[30]

The question of just what was and was not acceptable and protected religious activity for students at their public schools came into national consciousness again in a series of tense encounters in northern Alabama in the fall of 1997. Michael Candler, an assistant principal in DeKalb County, charged that schools throughout the district were violating federal law when officials supported prayers at graduation and at the start of football games, including prayers over the school intercom, allowed the Gideons International to distribute Bibles at schools, and supported student assemblies with religious themes and student-led prayers in classes. On October 30, 1997, federal district judge Ira DeMent, who had already overturned a 1993 Alabama state law allowing student-led, nonproselytizing voluntary prayer in the schools, expanded his orders. Noting the widespread nature of the prayers, DeMent ordered the school district to provide in-service training for the staff on "the general issue of school officials' tolerance for diversity in religious opinion and duty of neutrality in matters of religion." He also appointed a court monitor to ensure compliance.

The reaction was swift and strong. Steven Green of Americans United for Separation of Church and State said, "This is a reminder that the Constitution still rules in Alabama." But Alabama's Republican governor Fob James challenged the judge's ruling, arguing that, contrary to forty years of Supreme Court rulings, the First Amendment did not apply to state law. The governor's special counsel added: "The order is so stridently worded toward school officials that it is going to make them afraid to allow anything . . . DeKalb County was just doing what most districts were doing in Alabama." And the governor stated that appointing the monitor amounted to the creation of a secret police, which "will comb the schools looking for 'these dangerous criminals' who might, in a public setting, pray for the Father's blessing on this nation." A local judge, Roy S. Moore of Etowah County Circuit Court, who had already gotten

into major battles over his insistence on keeping a tablet of the Ten Commandments behind his bench, issued an order from his court that the federal order was "an unconstitutional abuse of power" and inoperable in Etowah Country. A major constitutional standoff seemed in the making.

While the courts and political leaders argued, students also became involved. Hundreds of students walked out of Boaz High School to pray on the tennis courts. A group of students from Alabama Avenue Middle School in Albertville left school to march to city hall and pray there. The November 8 *New York Times* front page was dominated by students at Sardis High School kneeling in prayer in front of the school. A senior at Boaz High School told the *Times*, "Everyone around here is God-believing. . . . Everyone around here believes in Christ, as far as I know. Having Jesus in our school is something that we need. It gives us strength." Another Boaz student told a demonstrating group of students, "We can't let this judge keep us from praying."

The demonstrations were not confined to Alabama. In Decatur, Georgia, school administrators responded to the stabbing death of a student by asking the pastor of the New Missionary Baptist Church to conduct a worship service at the local high school during school hours to support the grieving students. The public safety commissioner turned the service into one more protest when he announced at the service, "We are here in defiance of the Supreme Court, calling the name of Jesus Christ."[31]

Finally, tragically, in West Paducah, Kentucky, a fourteen-year-old high school freshman at Heath High School came to school on December 1 and started shooting into a circle of praying students. Three students were killed and five more wounded. The accused student, who had never been in any trouble previously, told authorities he had no idea why he had done it. While clearly the West Paducah case was an isolated case, it was also a symbol of a nation deeply and violently divided over the appropriate place of student prayer in and around the public schools.[32]

Attention to the already passed Equal Access law and the 1995 federal guidelines ought to have avoided these issues even if little could have avoided the West Paducah tragedy. Although some simply wanted to continue the debate, the reality was that by the midpoint of the Clinton administration, significant efforts had been made to produce federal guidelines that supported the right of students to pray with more clarity than had been the case since the early 1960s. The revised standards for Religious Expression in Public Schools issued in May 1998 by US Secretary of Education Richard W. Riley were clear:

> Generally, students may pray in a nondisruptive manner when not engaged in school activities or instruction, and subject to the rules that normally pertain in the applicable setting. Specifically, students in informal settings, such as cafeterias

> and hallways, may pray and discuss their religious views with each other, subject to the same rules of order as apply to other student activities and speech. Students may also speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics. School officials, however, should intercede to stop student speech that constitutes harassment aimed at a student or a group of students. Students may also participate in before or after school events with religious content such as "see you at the flag pole" gatherings.

According to these regulations, the kinds of limitations on private prayer of which many conservatives sometimes complain were improper. If students in Alabama wanted to pray on the tennis courts or kneel in front of the school, they were free to do so before or after class. They were not free to walk out in the middle of a class or to use the school sound system for their prayers.[33]

In his Saturday radio speech supporting the new regulations and opposing a constitutional amendment, President Clinton noted the same thing: "Nothing in the Constitution requires schools to be religion-free zones, where children must leave their faiths at the schoolhouse door. . . . Students have the right to say grace at lunch time. They have the right to meet in religious groups on school grounds and to use school facilities, just like any other club. They have the right to read the Bible or any religious text during study hall or free class time. They also have the right to be free from coercion to participate in any kind of religious activity." Ironically, the freedom to pray, or not pray, free from coercion, is what most people on all sides of the issue said that they wanted. But perhaps some wanted more, either because they did not trust that they would be protected by the guidelines or because they actually wanted the restoration of the mythical time when all Americans were in agreement, or more simply because they saw an opening to use an issue for political advantage and would not be dissuaded.[34]

The Religious Freedom Amendment

Given the widely divided opinions on the place of religion in the schools and the depth of the debates in the courts, the Congress, and school boards across the country, it was not surprising that the ultimate resolution—an amendment to the Constitution—remained so popular with many in the Congress and the country. When the House of Representatives convened on June 4, 1998, to vote on a proposed Religious Freedom Amendment to the US Constitution, it was both a historic and a highly charged occasion. Republican leaders had made school prayer a rallying cry and had promised just such a vote when they issued their Contract with America in preparation for the 1996 elections. Their election victory in November 1996 gave them a majority in the House of Represen-

tatives for the first time in forty years. They were determined to have that vote on the promised amendment before entering the November 1998 election. Randy Tate, the new executive director of the Christian Coalition, who had recently replaced Ralph Reed who had gone on to found his own political consulting organization, had written to all members of the House the week before the vote reminding them that this was the first time in twenty-seven years that the full House had considered an amendment to the Constitution on school prayer and "the fundamental right of an American citizen to publicly acknowledge his or her religious faith." And, just in case anyone missed the point, his letter also reminded the representatives that "in a recent poll in which voters were asked about moral issues confronting the nation, almost 70% agreed that America needed a religious Freedom Amendment that would allow voluntary school prayer." The Christian Coalition had spent $550,000 in the week before the vote lobbying members in their home districts. If anyone thought that school prayer and related issues of religious observations on public property had been resolved in the 1960s or by the Clinton administration's 1995 and 1998 guidelines, they were sadly mistaken.[35]

Two Republican members of Congress battled for the right to prepare the promised amendment. Representative Ernest Istook, Republican of Oklahoma, lobbied hard to be the leader of the amendment forces in the House. Representative Henry Hyde, Republican of Illinois, also wanted an amendment but feared that anything drafted by Istook would be too dogmatic to get the necessary votes. As originally submitted by Istook in November 1995, the amendment read: "To secure the people's right to acknowledge God according to the dictates of conscience: Nothing in this Constitution shall prohibit acknowledgments of the religious heritage, beliefs, or traditions of the people, or prohibit student-sponsored prayer in public schools. Neither the United States nor any State shall compose any official prayer or compel joining in prayer, or discriminate against religious expression or belief." Hyde countered with an amendment that simply said, "Neither the United States nor any State shall deny benefits to or otherwise discriminate against any private person or group on account of religions expression, belief, or identity; nor shall the prohibition on laws respecting an establishment of religion be construed to require such discrimination." Both amendments had their supporters. The Christian Coalition continued to see the amendment as a very important part of their agenda "to protect people of faith from discrimination in the public square," through support for prayer and faith-based affirmations in schools.[36]

Before the June 1998 congressional vote, what became the Istook amendment was also expanded to include some of Hyde's concerns, prohibiting any level of government from denying "equal access to a benefit on account of religion."

Those additional words expanded the amendment's focus beyond prayer to ensure state funding for faith-based social agencies and religious schools.[37]

For Istook and the other sponsors of the amendment, the issues were clear. Because of the trail of Supreme Court decisions and administrative rulings, they argued, an amendment to the Constitution specifically securing "the people's right to acknowledge God . . . [and] the people's right to pray and recognize their religious beliefs, heritage, or traditions on public property, including schools," was required to set the record straight. The amendment also included clauses insisting that no person be required "to join in prayer or other religious activity" and mandating that the government could not "deny equal access to a benefit on account of religion." As several speakers noted, the heart of the battle was the opening clause on school prayer and the last clause, which would have meant that the government could not refuse funding for social service programs to agencies with distinctly religious or sectarian programs, presumably including religious schools. Like so many battles over the previous two centuries, the debate came down to prayer and money.[38]

For Republican Representative Charles Canaday of Florida, who led the floor fight in favor of the amendment, it was needed to correct what he saw as the Supreme Court's misreading of the First Amendment. It was "a measure which responds to the public's valid concern that certain court rulings have been hostile to religion, have erected barriers to religious expression and exercise, and have attempted to remove religious influences from the public arena." Not only conservative organizations like the Christian Coalition or conservative politicians like Ronald Reagan, but scholars like Thomas C. Hunt and James C. Carper, Stephen Carter and Warren Nord, had raised similar issues in the course of the 1990s.

For Canady, the issues focused on what he saw as an erosion of religious freedom through a series of court decisions that had begun with *Everson v. Board of Education* in 1947. Thus, he argued:

> In an effort to satisfy this extra-constitutional and extreme theory of separation of church and State, courts have confused governmental neutrality towards religion with the concept of required public secularism, thus moving toward a public arena with no mention or sign of religion at all. The result of this distorted view of the first amendment is that, wherever government goes, religion must retreat, and in our time there are few places government does not go. Thus, religion is slowly being eliminated from more and more of our public life. . . . All too often, religious Americans of all faiths find that their speech is curtailed specifically because of its religious character. Under the prevailing understanding of the first amendment in many quarters, there are scrupulous concerns to ensure that no person be exposed to any unwanted religious influence but woe-

> fully inadequate concern for the religious person whose expression of faith is not publicly tolerated.

Redressing the imbalance between religious and secular concerns seemed imperative to Canady.

Beyond Canady and his colleagues' arguments on the basis of fairness or "equal time for religion," sponsors of the amendment also argued for it on the basis of many examples they produced of people, especially school students, who "had been subjected to discrimination simply because of their religious faith." They cited a long list.

Representative Istook told the story of Zacharia Hood, a first grader in Medford, New Jersey, who "was told, because they had a reading contest in school, you get to read the story you want, to class." Hood wanted to read the story of Jacob and Esau from his *Beginners Bible.* According to Istook, the young student was told by school authorities, the school board, and eventually a federal court that the separation of church and state prohibited use of the story he wanted to read.

Istook also returned to *Engel v. Vitale* (1962), to a 1980 case that prohibited displaying the Ten Commandments in school, and to the Supreme Court's 1985 overturning of Alabama's "moment of silence" and its 1992 decision that clergy may not offer prayers at graduation ceremonies.

Representative Richard Armey from Texas, the Republican majority leader, had his own stories: "A Florida student was suspended for handing out religious literature before and after school hours. Two students in Texas were told by their principal they could not wear their rosaries, because he thought it meant they were part of a gang; and maybe they were, part of God's gang. But rosaries? An elementary student received a zero because she wrote a thesis on her hero, and her hero happened to be Jesus, and that offended somebody."

But, for others, simply clarifying the issue and maintaining currently existing rights is not enough. So, in the same debate, Representative Merrill Cook, Republican of Utah argued:

> In the last 20 years, our right to free, personal religious expression has been virtually destroyed by misguided court rulings and wrong-headed public policy. We now live in a world where birth control devices can be dispensed at public schools but a voluntary moment of silent worship is often forbidden. We have become so afraid of personal religious expression in schools and public places that in my State, ironically a State founded by those fleeing religious persecution, and on a national level, teacher unions are decrying a return to conservative values and, in particular, personal religious expression.

And the way to counter the trend, for Cook and a majority of his colleagues, seems to be to amend the Constitution to overturn *Engel v. Vitale* and put prayer back as a regular part of the formal exercises of the school day.[39]

Those opposed to the amendment had their own arguments and their own examples. They argued that the First Amendment and the "wall of separation" had made the United States one of the world's most religious and religiously peaceful societies and that an attack on the work of Thomas Jefferson and James Madison would seriously undermine the Bill of Rights under which "we have enjoyed centuries of peace, free from the religious divisions that continue to mar the lives of millions of people across the globe."

Democratic Representative Bobby Scott of Virginia, a leader of the opposition to the amendment, argued against it on multiple grounds:

> The language of the proposed amendment ends the church-State separation by allowing religious groups to be directly funded by the government. So what happens when the Catholics must compete with the Baptists for limited school funding? How much safer will society be if only people willing to practice certain religions are able to get treatment for drug addiction? Which religious groups would and would not be funded? How safer will our schools be when children begin fighting over which prayers will be said or which religious expressions should or should not take place before each class day? How much better off will churches be once they become dependent on government funding?

Other voices picked up each of these themes. Representative Lois Capps of California, also a Democrat, who had been elected to the seat previously held by her late husband only a few months before, spoke: "As a school nurse for over 20 years, my concern is what this bill would do in our schools. For example, it would permit students to use the school intercom to lead captive classroom audience in prayer, creating a host of troubling questions, such as whose prayer will be prayed?" Opponents of the amendment reminded their audience—which was really a national audience, not primarily other members of the House, who generally had their minds made up—of the dangerous sorts of oppression that could come from majority mandated prayers.

Representative Robert Wexler, Democrat of Florida shared Capps's concern about whose prayer will be prayed and what would happen to children who were outvoted when the prayers were selected: "They will be humiliated. They will be scorned. In the worst-case scenario, they will be beaten up and involved in fights. Why? Because they had the courageousness of their convictions to say that one of the most beautiful things about being an American is that no matter how powerful or influential a person or a group is, you cannot tell me how to pray, and you also cannot tell me to sit down or shut up, and do it respectfully, while somebody else tells me how they are going to pray at their school, at their

commencement." The tendency of religion to be divisive was clearly on the minds of many.

Finally, opponents of the amendment argued that the fact that some school authorities were perhaps overzealous in keeping religion out of the schools could be corrected by better information rather than by amending the fundamental law of the land. Capps insisted, "I firmly support the current constitutionally protected role of religion in our schools. Students can now pray and read the Bible privately, say grace at lunch, distribute religious materials to their friends, and join voluntary religious clubs." Scott reminded his colleagues: "We should not be misled by inaccurate anecdotes. The proponents of H.J.Res. 78 often mention incidents where children are told they cannot bring Bibles to school or say grace before eating lunches. These are clearly permissible under current law. In fact, it is this kind of anecdotal evidence, of a need for a constitutional amendment, that is misleading in large part because most, if not all, of the examples used by the proponents of this amendment result from misstatements of fact or misinterpretations of current law."

If proponents of the amendment offered examples of excessive limitations on students' private prayers, Bible reading, or on-campus, after-school gatherings for religious activities, opponents of the amendment believed that the mistakes could be corrected under current law and, in fact, that the new US Department of Education guidelines were specifically designed to do just that.

Representative Barney Frank, Democrat of Massachusetts, was blunt: "There is no constitutional prohibition against children praying in school. Yes, teachers have told children not to read the Bible on the school bus or say grace before meals. Those teachers were wrong. Teachers are not infallible. Children have the right to do that. At all of those many moments during the school day when, without disrupting the regular procedure, children are free to talk, to read, to decide what to do, they may themselves pray, if they have been taught to do so." Of course, Frank reminded his audience, that did mean that parents needed to teach their children some prayers to say, an option he clearly preferred to what he saw as the real goal of the amendment: "They want to use the coercive school mechanism, so that children who would not otherwise pray will be pressured into doing so, or pressured into doing so in a certain way. Religion does not need now, as it has not in the past, the help of these self-appointed volunteers." For Frank, the issue of protecting religious rights for the religious was clearly a stalking horse for imposing a certain majority-determined religion on all students, including the nonreligious and those whose religions, however fervent, differed from the majority view.

Running through the debate was a deep division regarding what it meant for an individual or a nation to be religious. Republican Representative Walter Jones of North Carolina argued that "America was founded on Judeo-Christian

principles." And Henry Hyde argued that the amendment "restores free speech to the original dimensions that we find in the Declaration of Independence, where God is mentioned four times." On the other hand, opponents found the generic references to "Judeo-Christian principles" or God in the Declaration of Independence to be too generic. Representative Jim Leach, a Republican from Iowa who broke ranks with most of his Republican colleagues on this issue, told of one school visit in which the students were divided on the question of prayer, but most wanted private prayer. " 'Group prayer,' one 9th grader told me, 'would embarrass too many of my friends . . . it would be unfair.' " Leach argued that there were good reasons for this kind of embarrassment, for there were many different kinds of prayer.

> For some, a "non-denominational" prayer that makes no mention of Jesus Christ would lack depth. For Protestants and Roman Catholics, the difference regarding the status of Mary and the saints and the role of the church hierarchy is profound. For Jews and Christians, piety takes very different expressions. For Muslims, prayer involves turning toward Mecca and prostrating one's self. For Islam prayer is adoration of Allah, involving no requests and asking no blessings, as most Christians do. For the son or daughter of Vietnamese-American Buddhists a "voluntary" prayer satisfactory to Southern Baptists or the Eastern Orthodox is likely to be unintelligible.

One-size-fits-all religion clearly did not fit any in Leach's view.

While Congress has strict rules of decorum, it was not a pleasant debate. The role of the Christian Coalition's $550,000 lobbying effort came in for special note. Representative Sheila Jackson-Lee of Texas, where the Christian Coalition had brought extra pressure on the members of Congress, responded, "I resent being accused of being nonreligious and nonspiritual. It is a private issue. It is an issue that we have died for." Representative Lloyd Doggett, also a Texas Democrat, saw the amendment opening up the kinds of religious divides found elsewhere in the world. Doggett said: "But indeed, we have our own religious Ayatollahs right here in this country. Some of them unjustly attacked our colleague the gentleman from Texas (Mr. Edwards), and others like Jerry Falwell have declared, 'I hope to live to see the day when there will be no public schools. What a happy day that will be.' This is what this amendment is all about, the movement to destroy public education and to substitute religious arrogance for religious freedom."

Representative Bill Hefner, a Democrat from North Carolina, originally a supporter of the amendment, turned against it, reminding the Congress:

> The Christian Coalition is sending out a letter that says this is going to be on the report card; if Members vote against the Istook amendment, we are going to

> get them in the next election. Some of this posturing reminds me of the Pharisees when they stood in the temple and said, "Lord, look at me. I have given all this money, and I have done all of this." The people that have labored in the vineyard, that have helped the hungry and the needy, went about their business of praying in private. Give me that crowd rather than the ones that posture and try to make political mileage out of something that is so precious to all of us.

The Christian Coalition had made some new enemies as well as new friends in this campaign.

With the historic but inconclusive vote at day's end, when the amendment failed to gain the two-thirds majority needed to launch a constitutional change, the resolution was defeated. Nevertheless, a majority vote in the US House of Representatives clearly indicated strong winds blowing across the nation. The debate provided a snapshot of the widely disparate views of many Americans on the question of school prayer and the related issue of government support for religious activities and institutions, including religious schools. As the members of the House knew very well, the Christian Coalition report card would follow them, not only in the fall elections but well into the future. The future of school prayer and of governmental financial support for religious organizations, including especially religious schools, was going to be a major issue in Congress, school committees, churches, and meeting halls across the nation for some time to come.[40]

For most of the nineteenth century, Roman Catholics were insulted by the very Protestant prayers offered in the public schools. Jews have regularly been assaulted by Christian prayers, as were traditional Native Americans forced into Christian missionary schools until well into the twentieth century. Today, a devout Muslim, who believes that prayers should be made facing East and giving praise to Allah, a Buddhist who seeks quiet meditation rather than spoken words to God, or a follower of a modern Wiccan tradition who believes in "relinking, with the divine within and with Her outer manifestations in all of the human and natural world" are all likely to be deeply offended by most school prayers, most especially those seeking Divine intervention for the nation or the local football team.[41]

Those who ask, "What's the harm?" of a generic prayer or who view it as a way to quiet students down and begin the school day on a reflective note need to hear the experience of Martin Buber, the Jewish mystic and theologian, who remembered the pain he experienced as a Jewish student during Christian rituals in school: "The obligatory daily standing in the room resounding with the strange service affected me worse than an act of intolerance could have affected me. Compulsory guests, having to participate as a thing in a sacral event in which no dram of my person could or would take part, and this for eight

long years morning after morning: that stamped itself upon the life-substance of the boy." In a multicultural nation, such monocultural events are deeply troubling.[42]

Nevertheless, the debate about school prayer is far from closed. Opponents of formal and organized school prayer may argue, with Nel Noddings, that "some of us honestly believe that prayer in public school has rightly been declared unconstitutional [and, by implication, that the Constitution should not be changed], others fear that nondenominational exercises will rapidly slide over into overtly denominational ones, and still others simply want to preserve all children from the pain experienced by Buber." However, advocates of school prayer believe, with equal fervor, that it is an essential means of returning the nation to its religious heritage, of reminding students of the spiritual roots on which life and learning rest, of restoring public morality, and that the court rulings banning formal organized prayer from schools are based on a misreading of the Constitution. It is a difference of opinion not easy to resolve.[43]

Divides that the authors of the First Amendment to the Constitution, reformers of the common-school era such as Horace Mann, leaders of the Reconstruction Congress of the 1870s, and a long string of twentieth-century Supreme Court justices all thought they had finally resolved were as deep as ever as the United States entered the twenty-first century. There were no simple solutions, and the more complex ones were clearly caught in a wide range of other issues. The meaning of respect for religious opinions and rights—indeed, the fundamental nature of the civic culture of the United States—remained far from clear.

Creationism, Money, the Courts, and Religion in the Curriculum

The Battle for the Schools of the Twenty-First Century

In May 2014, the US Supreme Court handed down its decision in a previously little-noticed case of *Town of Greece, New York v. Galloway*. The case focused on the fact that town board meetings in the small town of Greece were opened with the Pledge of Allegiance and a prayer given by a local minister. A group of local citizens, including Susan Galloway and Linda Stephens, brought a suit with the backing of Americans United for Separation of Church and State, claiming that the prayers violated the First Amendment. The plantiffs claimed that the rotation among ministers in town gave the impression of favoring Christians over others, since there were so many Christian churches and ministers in Greece. In a 5–4 decision, the Supreme Court following earlier precedent ruled that prayers at public legislative meetings—which are different from school sessions—did not violate the First Amendment and the prayers could continue. If the ruling had stopped there, it might have been disappointing to advocates of strict separation of church and state but would have little meaning for the place of religion in the schools. Two justices, however, did not stop there.

In spite of the confusion involved with interpreting many Supreme Court decisions regarding the place of religion in the schools, in a long series of decisions the court has held that officially sanctioned prayers do not violate the First Amendment if they are at legislative sessions attended by adults but do if they are offered by adults in schools where children have far less choice in the

matter. In this case, however, two justices put forth a theory with dramatic implications for religious practices in public schools.

Three justices—Anthony Kennedy, who wrote the majority opinion, John Roberts, and Samuel Alito—agreed, in Kennedy's words, "the town's prayer practice does not violate the Establishment Clause. . . . Legislative prayer, while religious in nature, has long been understood as compatible with the Establishment Clause." Two other justices voted with the majority, but for quite a different reason. In an opinion written by Justice Clarence Thomas, with which Justice Antonin Scalia agreed, they said that they supported the decision—the town of Greece could continue with its prayers. But Thomas and Scalia argued that this was the case because, they said, the First Amendment did not apply to state or local governments at all. Thomas wrote that when the First Amendment said "Congress shall make no law respecting an establishment of religion . . ." and that the amendment still applies only to the federal government. Despite other court decisions to the contrary, Thomas said, the amendment "has no application here, where only municipal action is at issue." In writing in this way, the two justices were rejecting court opinions dating back decades that said that the Fourteenth Amendment's provisions that no state "shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States . . . nor deny to any person within its jurisdiction the equal protection of the laws" meant that all of the Bill of Rights—the first ten amendments to the Constitution—applied to state and local governments as much as to the federal government. If the Thomas/Scalia interpretation of the Constitution stands, then the whole edifice of Supreme Court decisions on school prayer, the nature of the science curriculum, the use of public funds for religious schools, and so forth, built since 1947, would collapse, and states and individual school districts would be free to do as they—or their state constitutions—permitted with no attention to the separation of church and state from the federal courts.

Like many Supreme Court decisions, the court's different voices left a great deal of uncertainty. The town of Greece could continue with its prayers. But what about the Fourteenth Amendment? When justices "agree in part and dissent in part," the meaning of a decision for towns and schools is sometimes hard to understand. In this case, four justices also joined in a stinging dissent written by Justice Elena Kagan that began, "For centuries now, people have come to this country from every corner of the world to share in the blessing of religious freedom." And she concluded that practice in Greece, New York, where "month in and month out for over a decade," the practice of offering "prayers steeped in only one faith addressed toward members of the public, commenced meetings to discuss local affairs . . . does not square with the First Amendment's

promise that every citizen, irrespective of her religion, owns an equal share in her government." Nevertheless, if the Thomas and Scalia views were to become the majority opinion, the First Amendment would simply not be relevant to town meetings in Greece, New York, or to classrooms across the country. In light of the Greece decision, one may wonder what the future holds for cases involving religion in the schools.[1]

Battles about the place of religion in US public schools have not declined in the early twenty-first century. The emphasis, however, has changed, sometimes in surprising ways. School prayer, such a contentious issue from the early 1960s to the late 1990s, has not been at the forefront of early twenty-first-century debates to date. Unless the Greece decision opens a new door, such cases seem to be destined to remain rare in the coming decades. Perhaps the compromise policies announced by the Clinton administration have satisfied enough Americans on all sides of the issues. Perhaps the many failed efforts to amend the US Constitution simply left proponents exhausted. Perhaps a new generation is less concerned with the issue or has found new ones. Certainly, as we will see in this chapter, many young adults are less concerned with religious issues in general than their parent's generation. School officials and political leaders are bound to notice these changes. However, a committed minority of religious conservatives, even if their numbers are shrinking, could well give the issue a higher profile in the coming years. Whatever the cause, there were far fewer debates or political battles about school prayer between 1998 and 2015 than had been the case in any similar time period since the Supreme Court first ruled on school prayer in 1962.

The quiet on the issue of school prayer has not been duplicated on other related topics. Advocates of various forms of "creation science" have been active in arguing for their perspective—finding ways to introduce their views into high school science courses and maintaining a well-funded and creative out-of-school effort to convince young people that they should not trust the Darwinian evolution they are taught in school. The campaign for religiously oriented alternatives to public schools, and for public funds to support these alternatives, has grown beyond anything imaginable even as late as the 1990s. While the total number of Catholic parochial schools and parochial school students has shrunk, and the number of Protestant schools has also declined, Jewish day schools have exploded in numbers and popularity. And a new Protestant-Catholic-Jewish coalition is demanding public funds for private religious schools with a high level of success. In response to many of the debates about the place of religion in the schools, a new generation of scholars is also building on the Supreme Court's well-established dictum that the "study of the Bible or of religion, when presented objectively as part of a secular program of education" remains constitutional.

Religion as an academic subject is alive and well and growing in popularity in many places. We will explore all of these issues.

Evolution, Creationism, and a Debate That Will Not Go Away

Writing in the *Kansas City Star* for September 27, 2013, Yael T. Abouhalkah's said, "Here we go again: A group wants to block kids from learning about evolution. This is Kansas, after all, where anti-evolution forces several times have made the state a national laughingstock with their obsession of trying to stop real science from being taught in classrooms." The group Abouhalkah was referring to was called Citizens for Objective Public Education, which had filed suit claiming that the then operative Kansas science standards "promote atheism and violate student's religious freedom."[2]

Kansas had, indeed, been an intense battleground around the ways to teach or not teach evolution. In May 2005, a conservative majority in the Kansas state Board of Education, led by the board chair Steve Abrams, a veterinarian and onetime candidate for the Republican nomination for governor, held hearings on the teaching of evolution. After a week of hearings, the board adopted new science standards that Abrams had been advocating since 1999. The new curriculum standards were defended at the hearings by critics of evolution, including John Calvert, a founding member of the Intelligent Design Network, and Jonathan Wells, a researcher at the Discovery Institute based in Seattle, Washington. These witnesses testified that evolution "is a flawed theory and that criticism of the theory—and alternatives—should be allowed in the classroom." They used the language of "teaching the controversy" to support their position. Abrams insisted that he was not bringing religion into the science classroom but said that he personally believed that the earth was less than 10,000 years old and that the Genesis account of creation was accurate, though he insisted he could separate his personal beliefs from what should be taught in the science classroom. Critics on and off the board were not so sure. The Kansas State Board of Science Hearing Committee objected to the new standards as did individual scientists and scientific societies, though most refused to testify at what they saw as rigged hearings.

The Kansas experiment with Intelligent Design got national attention and many worried about the scientific understanding among future generations of the children of Kansas. The policy was reversed two years later when in February 2007 a new Kansas board voted 6 to 4 to reject the 2005 standards and return to the earlier science curriculum that focused on the teaching of evolution "as well supported by research" and require that the science curriculum be limited to "natural explanations for what's observed in the universe," which would not include intelligent design. Nevertheless, the new board chair, Bill

Wagnon, who supported the evolution standards said, "I don't think the issue is going to go away. I think it's going to be around forever." The 2013 story seems to confirm Wagnon's prediction.[3]

Kansas is far from alone as a continuing battleground about the place of evolution in the schools. In 2013, the Texas Board of Education was embroiled in a battle over a popular high school textbook, *Biology* by Kenneth R. Miller and Joseph S. Levine, published by Pearson. One reviewer challenged the book as presenting evolution as fact rather than theory. The reviewer, Ide P. Trotter, who is listed as a "Darwin Skeptic," on the Creation Science Hall of Fame website, did not like the way the book treated evolution. Because of the controversy, a second review panel needed to weigh in before schools in Texas could adopt it. In 2013 and 2014, the South Dakota senate was one of several legislative bodies that considered legislation to include Intelligent Design in the school curriculum of their states, though none passed. Only a few years earlier, in 2005 a federal judge ruled that Georgia had to remove stickers from high school biology textbooks that said, "This textbook contains material on evolution. Evolution is a theory, not a fact, regarding the origin of living things. This material should be approached with an open mind, studied carefully, and critically considered." Finally, the school board in Springboro, Ohio, moved "evolution/creation" onto a list of special "controversial issues" that demanded that "all sides of the issue should be given to the students in a dispassionate manner" and the school principal had to review the curriculum. Springboro only withdrew evolution from the list after receiving a formal warning in May 2013 that the ACLU was prepared to take them to court over the issue.[4]

The Creation Museum in Petersburg, Kentucky, near Cincinnati, Ohio, represents what is known as a "young earth" view of creation. It does so with an impressive interactive display that leaves many visitors thinking that, indeed, if different scientists can sift through the same evidence to reach different conclusions, it might be perfectly reasonable for thoughtful people to sift through the geological record and studies of fossils and living creatures and reach a conclusion quite different from that of Darwin's. The displays and voices heard at the museum present a perspective on the world that says that all life, including human beings, were created in seven actual days. Their displays dismiss the notion followed by some conservative religious people—including Scopes prosecutor William Jennings Bryan—that the "days" might have lasted much longer than our days or that a vague Intelligent Design force was at work. For the Creation Museum, the Bible is literally true as recorded, and all life forms were created by God in seven days, and they claim to have the science to "prove it."[5]

Not many public schools will have field trips to the Creation Museum, although the Stinnett Elementary School in Hyden, Kentucky, organized just

such a trip. The ACLU challenged the school's inclusion of the trip in the curriculum because the museum promoted "a specific religious theology which includes a literal interpretation of the Bible to explain human creation." Given that, the ACLU demanded an end to such trips. While few public schools would have their classes visit the Creation Museum, the museum is well organized to welcome church groups, summer religious programs, as well as individual visitors who can easily come away with a sense that maybe the science taught in public schools is not as definitive as it seems. And the point of view presented there is alive and well in many parts of the United States in the twenty-first century.

A 2014 Gallup poll found that 42 percent of Americans believe that God created humans in their present form in the last 10,000 years. This number has fluctuated between 40 percent and 47 percent in the last three decades though today a growing number of younger Americans reject such a view. Nevertheless, such numbers mean that debates about the teaching of evolution and various forms of creationism in public schools are likely to remain lively for some time to come. In a democratic society there is no way to avoid them.[6]

Ironically, but perhaps not surprisingly, one result of the failures of efforts to introduce more equal time for religiously inspired alternatives to the teaching of evolution has been a withdrawal on the part of some conservative religious people from the public schools. Some who see public school, the biology classroom, and history and literature classrooms as places in which the disciples of Satan have defeated the disciples of their God, have withdrawn into their own religiously inspired subcultures with their own schooling—either homeschooling or various kinds of religious schools. Such schools have been growing in the early years of the twenty-first century. And with the growth of these educational alternatives has been a call (echoing perhaps the demands of the 1830s) for public fund to support these schools and programs.[7]

Vouchers, Tax Credits, and School Choice: Public Funding of Religious Schools

Janet Bordelon, a scholar who studies Jewish education in the United States tells the story of visiting a gathering in Houston, Texas, in 2012:

> It is a bright day at Beren Academy in Houston, Texas, where a growing Orthodox community is thriving. . . . Hundreds of parents and students fill the auditorium for a rally in support of tuition affordability. With a strong Brooklyn accent, Rabbi T jumps onto the stage and fires up the crowd by asking, "Who is a proud American? Who is a proud Texan?" The crowd cheers and Rabbi T continues by saying, "We proud Americans like having a choice . . . this is what

> democracy is all about . . . so why shouldn't we as Jews be able to choose our education and not decide between food or day school tuition?" The crowd belts out a Texas size cheer as Rabbit T warms up the crowd for the next speaker, Sister Kavita Keating, the Superintendent of the Archdiocese of Houston who passionately tells the excited crowd that she looks forward to working with her Jewish brothers and sisters for their best interests.

Bordelon continues her story noting that before the rally was over Dan Patrick, chair of the Texas State Senate Education Committee and Lt. Governor David Dewhurst also spoke at the same rally, calling for the Texas legislature to offer new options for all Texas children. Before his arrival at the Beren Academy rally, Senator Patrick also spoke at a similar rally at the Second Baptist Church in Houston. As a result of all of these rallies, the Texas Senate adopted a program of tuition tax credits that allowed individuals or corporations a significant tax benefit for contributions to a private fund that then awarded scholarships to students attending Protestant, Catholic, and Jewish day schools in Texas in April 2015 though so far the program has not become law in Texas.[8]

Tuition tax credits were far from the first effort to direct public funds—directly or indirectly—to private religious schools and programs. The constitutional amendment that Congress considered in June 1998 would have provided significant ammunition to those who wanted to increase the level of governmental support for private religious schools. But even though that amendment failed, the issue of using public tax dollars to support private school tuition remained alive and well. Efforts to use public funds to provide direct services, to offer vouchers to cover private school tuition, or to allow scholarships funded by state tax deductions grew in popularity in subsequent years.

In June 1997, the US Supreme Court took the unusual step of directly reversing itself on a case it had previously decided. In a 5–4 decision, the justices ruled that their 1985 decision in *Aguilar v. Felton* was "no longer good law." The 1985 decision, which was based on a New York City case, barred public school teachers who were paid with federal funds under Title I of the Elementary and Secondary Education Act (ESEA), and other similar programs, from providing educational services inside private religious schools. For twenty years between the Johnson compromise of 1965 and the 1985 court ruling, Title I of Johnson's ESEA had funded teachers who delivered services, usually reading and mathematics remediation, in classrooms in public schools and in private religious schools. A group called the Committee for Public Education and Religious Liberty challenged the practice in New York, claiming that having public teachers supported by public funds inside parochial schools created a symbolic union of church and state. The resulting 1985 decision stopped the practice.

New York and other cities continued to offer the services but in trailers or adjacent public buildings, not in the religious school premises. The New York City Board of Education led the fight to have *Aguilar* overturned, citing the high cost of $100,000 per mobile classroom, which had added up to $100 million in the years since *Aguilar*. New York's mayor Rudolph Giuliani and the Clinton administration supported the school board. The result of the challenge was the 1997 *Agostini v. Felton* decision that allowed the teachers to return to the school buildings to deliver their services. Title I classes again could be offered directly in the classrooms of private religious schools. The students did not need to walk to a mobile school or another building.

While the majority of schools affected by the *Agostini* decision were Catholic parochial schools, many other religious schools also felt the effect. In New York, the affected Title I programs involve 21,000 students in 259 nonpublic schools. In addition to Catholic schools, religious schools that served Jewish, Lutheran, Greek Orthodox, Episcopal, Seventh-day Adventist, and Islamic students were impacted. Protestant church schools, such as the one conducted at the former US representative Reverend Floyd Flake's Allen African Methodist Episcopal Cathedral of New York in Queens, also benefitted from the *Agostini* ruling. While the public-private split was historically a Protestant-Catholic split, that was not the case in 1997. It would also not be the case in the decades ahead.[9]

Many have debated the significance of the *Agostini* decision. At one level, it is simply a matter of administrative convenience, allowing teachers to enter the student's familiar turf and diverting money from mobile classrooms to direct instruction. For many of the teachers and the school administrators involved, "being back inside the building" created more effective surroundings for instruction and far less wasted time in moving students. Justice Sandra Day O'Connor wrote that "we no longer presume that public employees will inculcate religion simply because they happen to be in a sectarian environment." Did that mean that the court was going to affirm other forms of public support?

Others saw significant problems with the decision. One of those challenging O'Connor was Justice David Souter, who said in dissent that the ruling's impact was to "authorize direct state aid to religious institutions on an unparalleled scale." Americans United for Separation of Church and State worried about an "impermissible 'symbolic union,'" and the possibility that the decision "may also embolden supporters of 'charitable choice' legislation (efforts to use churches and religious institutions to administer social service programs that were paid for with public money)." Still, Americans United took comfort in the fact that, while the decision allowed public employees to offer secular services in a religious environment, it did not allow for any funds to go to religious staff for secular or religious instruction, which vouchers or charitable

choice programs would do. But the door was clearly open to more, and more would follow.[10]

A significant step toward public funding for private religious schools was taken with a June 1998 decision by the Wisconsin State Supreme Court that declared a Milwaukee voucher plan that specifically provided for the use of public funds to pay tuition at private religious schools to be legal under the Wisconsin and federal constitutions. Under the plan, up to 15,000 out of the 104,000 Milwaukee public school children could receive a voucher good for $5,000 in tuition at a private or parochial school in the city. Critics called it a $75 million drain of taxpayers' money from the Milwaukee public schools. Supporters saw it as "the second Emancipation Proclamation" for Milwaukee parents. The issue split Milwaukee's African American community. One of the main sponsors of the plan was Annette Polly Williams, an African American state representative from the city. However, the Reverend Rolen Womack, a member of the Milwaukee Minority Ministers Alliance, argued, "If we put as much resources and intellect into solving the problems in our public schools as we put into what I call 'the Pat Robertson paradigm,' then we'd take a tremendous step."[11]

Looking at this situation, the historian of education Robert Lowe wrote: "Despite the grave inadequacies of public education today, however, throwing schools open to the marketplace will promote neither excellence nor equality for all. Rather, it will enhance the freedom of the privileged to pursue their advancement unfettered by obligation to community." Lowe understood the appeal of voucher programs to people who, for whatever reason, have given up on the public schools as a vehicle for providing a quality education for their children. Thus, he wrote, "In such an environment, a new private school choice program that emphasized opportunities for low-income students of color was linked with a new, more public relations oriented defense of the educational marketplace." This approach has persuaded a number of people in Lowe's hometown of Milwaukee and far beyond.[12]

Vouchers also found a powerful advocate in New York City's Rev. Dr. Floyd Flake, whose church the Greater Allen African Methodist Episcopal (A.M.E) Cathedral in Queens operated its own Allen Christian School from 1982 to 2012, when the school closed for lack of funds. For Flake, whose students paid tuition, the call for private religious schools, and for vouchers, is "a response to the unrealized hopes and expectations of the public school system in most urban communities. . . . I don't think the average educator understands the pain that the urban community is suffering because of this lack of education." Flake had little patience with those who criticized the school for its all black faculty and student body. "You cannot be more segregated than the public school system," he responded. He believed that the African American young people in his

community needed care, discipline, and high standards in a "loving and morally enriching environment," and he meant to provide them in a religious context, which he believed that the public schools could not match. To operate as a private religious school, the Allen school had to charge tuition and do so at increasing levels as the years went by. The fact that too many families in the community could not pay that tuition and that ultimately the school had to close for lack of funds, turned Flake into a strong advocate for vouchers or any mechanism that could channel public funds into schools like his that he believed were doing a much better job than the public schools of serving a segment of the public with the highest need.[13]

The best-known school voucher advocates are not poor, urban, or African American. John E. Chubb and Terry M. Moe helped launch the current round of interest in vouchers and related school-choice campaigns with their *Politics, Markets, and America's Schools*, published in 1989. Supporting different schools for different people, legal scholar Michael W. McConnell said, "To the extent that you agree with the claim that all education has an inescapably religious component to it, the idea that we should all go to the same public school becomes as intolerable as the notion that we should all go to the same church."[14]

The opposition to voucher proposals is also widespread. While in office, US Secretary of Education Richard W. Riley called HELP Scholarships, a congressional proposal for vouchers, "fiddling on the margins and refusing to get serious about advancing public education." People for the American Way views vouchers as part of a right-wing stealth campaign to eliminate public education. As one press release said, "By standing in the way of meaningful school reform, the Right hopes to delay improving school performance long enough to sustain the anxiety that drives many Americans to embrace vouchers." Lee Berg, a Baptist minister and staff member of the National Education Association, insists, "the bottom line is that a lot of the people who support vouchers are not concerned about making public education better, they're interested in the end of public education as we know it." Others would respond: "that's just the point."

Just prior to its July 1998 convention, the American Federation of Teachers (AFT) held a three-day civil rights conference that focused on the issue of school vouchers. The conference became a debate between AFT's president, Sandra Feldman, and her longtime political ally, Floyd Flake. For Flake, the issue was clear. Deeply troubled students who were getting nowhere in the New York City public schools came to his church's school and "changed their whole attitude and their whole approach to education." Feldman countered, calling it "outrageous" that civil rights leaders supported vouchers, telling Flake, "You're dangerous because you're very effective and because you really don't represent the real power behind this movement . . . and I am afraid that you are providing them cover

that they don't deserve." The debate between Flake and Feldman remains a chapter in a struggle that is at least as old as New York Bishop John Hughes's fight with the Public School Society in the 1840s. But it is alive and well and likely to be a major item on the educational scene for some time to come.[15]

The cause of tax-funded vouchers for private schools received significant new impetus in June 2002 when the US Supreme Court, in yet another 5–4 decision in the case of *Zelman v. Simmons-Harris*, voted to uphold an Ohio voucher program. The state of Ohio launched the program for children within the Cleveland City School district because the need seemed to be so great. Both the state program and the Supreme Court ruling were both quite limited. The state of Ohio only allowed the voucher program in Cleveland and the court was careful to approve the program only because of unique issues in that city. In writing the majority opinion, Chief Justice Rehnquist was specific that the decision only impacted the 75,000 children in Cleveland few of whose "families enjoy the means to send their children to any school other than an inner-city public school." At the same time, Rehnquist said, "For more than a generation, however, Cleveland's public schools have been among the worst performing public schools in the Nation." The voucher program offered tuition aid for students who wanted to attend a "participating public or private school of their parent's choosing."

The chief justice considered and then dismissed the concerns that since the voucher program allowed tax-funded vouchers to be used to pay parochial school tuition, it violated the First Amendment. "We believe," Rehnquist wrote, "that the program challenged here is a program of true private choice . . . is neutral in all respects toward religion." He dismissed concerns that there might be "a public perception that the State is endorsing religious practices and beliefs," especially because the program provided "genuine opportunities for Cleveland parents to select secular educational options for their school-age children" as well as religious options.

Writing for the four dissenting justices, Justice Souter reminded the court that ever since the 1947 *Everson* decision, the court had held that "no tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion." He also noted that contrary to the chief justice's assertion that there were genuine secular options, "96.6 of all voucher recipients go to religious schools, only 3.4% to nonreligious ones." So he concluded, "The scale of the aid to religious schools approved today is unprecedented, both in the number of dollars and in the proportion of systemic school expenditure supported." There are certainly other cities, such as Cleveland, and other states, such as Ohio, where the legislatures might be interested in such a voucher program,

and while other states have experimented with vouchers, no other cases reached the Supreme Court since the *Zelman* case.[16]

Part of the reason that school vouchers have not expanded as much as might have been expected after *Zelman* was the development of a new arrangement for channeling funds to private schools, including private religious schools—tuition tax credits. Unlike vouchers, which are paid for with public taxpayer funds and then given to parents to use at private schools, tuition tax credits are a form of private scholarship that therefore bypasses the legal limitations on how public funds can be spent.

Ever since the 1870s when the so-called Blaine Amendment that, if it had passed, would have prohibited any tax money going to religious schools was defeated in Congress (see chapter 3), a number of states passed "Baby Blaine" amendments, making such aid illegal in their states. But tuition tax credits bypass such restrictions since the funds never reach state coffers and cannot be considered public tax monies. Nevertheless, such scholarships are indirectly funded by participating states, since donors can deduct part or all of the funds that they donate to these scholarships from their state taxes, even if funds do not directly go through the hands of any state official.

Scholarship tax credits or tuition tax credits allow an individual or a corporation to deduct a certain portion of the taxes owed to a state, in some cases up to 75 percent, and in a few cases, up to 100 percent, if they make a contribution to a special private scholarship fund. This is significantly more than the state support available for other charitable contributions because in most charitable contributions the donor only reduces the income to be taxed by the amount of the gift, not the tax bill itself. In this case, however, a donor can actually deduct the amount of the gift from the tax money due to the state. Most states have some sort of cap on the total that may be diverted to a scholarship program—states might have no income if they did not—but in many states, the funding available through such programs is significant.

In a 2014 report, the National Conference of State Legislatures noted that fourteen states have such tax credit programs—Alabama, Arizona, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, New Hampshire, Oklahoma, Pennsylvania, Rhode Island, South Carolina, and Virginia. As we saw, Texas is seriously considering one. In May 2015, New York's Governor Andrew Cuomo promoted a bill to create such tax credits in his state. Complaining about "failing schools" and the fact that, as he said in one church visit, "there are some areas, frankly, where the public schools are not places where you would want to send your children," he insisted "it should be your choice." Cuomo did not mention the responsibility of a governor to address the problems of such schools! On one Sunday in May, he visited a rally at Yeshivat Shaare Torah and the Shrine

Church of St. Jude, making it clear that he was reaching out to Jewish and Catholic voters and political leaders for support. In the end, the tax credit program died in the New York legislature, but it will likely rise again in the future.

The National Education Association views tax credits as a drain on state and therefore public school resources and a subsidy to private education at taxpayer expense. Carl Korn, speaking for the New York State United Teachers, said tax credits would "siphon off taxpayer money for tax giveaways to the rich," because only the wealthiest taxpayers could benefit from the tax credit. However, defenders say that the programs actually save money, because it removes costs from the public schools by reducing the number of students attending them and certainly the scholarships expand parent and student choice.[17]

The US Supreme Court reviewed tuition tax credits in the case of *Arizona Christian School Tuition Organization v. Winn*. When a group of Arizona taxpayers challenged the tax credit law in their state based on the use of the funds at religious schools, the court sidestepped the issue. In a ruling on April 4, 2011, a five-justice majority ruled that the case did not have standing because there was no harm done to the individual taxpayers who brought it by the fact that others received a tax credit, which was different from a government expenditure. Three other dissenting justices agreed with Justice Kagan who wrote, in dissent, that tax breaks "are a means of accomplishing the same government objective" as tax subsidies and that "taxpayers should be able to challenge the subsidy." However, because Kagan and her colleagues were in a minority, the court did not proceed further and might well avoid other challenges to tax credits for some time to come.[18]

Even more recently, a new vehicle for funding private education, including private religious schools, has sprung up. In 2011, Arizona—long in the forefront of states seeking alternatives to relatively secular public schools—created something called Education Savings Accounts, or ESAs. Originally only for the parents of students with special needs, these accounts allowed parents to request a portion of the public funds that it would cost to educate that student, based on the state's per pupil funding formula, and use those funds for a customized program for that child. Arizona subsequently broadened the categories of students whose parents might use these accounts from the initial limitation to special needs children, opening the door to new possibilities.

Florida passed its own ESA program in 2014 which as of 2016 has no restrictions on who can use the accounts. As of 2015 approximately 1,400 Florida students are using these accounts for services like video-based curricula, computers, and tablets, that help facilitate home schooling for those with serious special needs but other parents are expected to tap into the funds in the near future. Both programs have initially withstood court cases though other legal

challenges are continuing. Since then Mississippi, Tennessee, and Nevada have adopted some version of an ESA program and several other states including Illinois, Iowa, Montana, and Oregon are considering them. While it is too early to tell, Education Savings Accounts may be a new form of individualized school vouchers, allowing many parents to access public money to support their child in home schooling or to send them to a private program including a private religious school.[19]

The kinds of religious schools that stand to benefit from public funds are more diverse than ever, whether it is the kinds of public services to students provided by school districts since the *Agostini v. Felton* decision, the kinds of tax-funded vouchers that *Zelman v. Simmons-Harris* made legal in Cleveland, or the tuition tax credit scholarships that are growing in popularity or now ESAs. Throughout the nineteenth century and most of the twentieth century, public funding for private religious schools essentially meant funding for Catholic parochial schools. Those few private Protestant schools that did exist generally served only the wealthiest of citizens and did not need government funding. From the Blaine Amendment battles of the 1870s through the major opposition to state and federal funding of schools and programs in the 1940s, the lines were pretty much the same: many Catholics sought such funding, nearly always unsuccessfully, and most Protestants opposed such funding almost instinctively as a breach of the "wall of separation" but also as an assault on their notions of Protestant America. On this issue, though they disliked the Protestant dominance of public schools, Jews were nearly unanimous in their agreement with Protestants and in their opposition to any funding of religious schools.

Beginning in the 1960s and continuing into the twenty-first century, there were dramatic changes in terms of who operated private religious schools who sent their children to them, and therefore who sought public funding for those schools. Catholic schools lost enrollment in the late twentieth century, mostly as a result of rising costs caused by a shortage of unpaid nuns but also because older ethnic Catholic neighborhoods broke up as people moved to the suburbs, and fewer Catholics found the schools to have the offensive Protestant bias that had existed in earlier generations.

In the 1960s, Protestant academies began to spring up across the South, sponsored by individual white churches or religious groups, often as part of a concerted effort to escape school integration. More recently Protestant religious schools have grown in all parts of the country as many Protestants felt besieged by school integration, lack of religious practices in public schools, battles about evolution, and a fast-changing culture that they found to be alien. At the same time, leaders of African American religious communities, also mostly Protestant, were losing hope that urban public schools would ever effectively serve

African American children. They began to launch their own schools; most of them Protestant, a few Muslim.

According to recent research by historian Milton Gaither, Protestant schools that grew rapidly between the 1960s and 2000 have seen a decline in enrollment in the twenty-first century. In 1983, the Association of Christian Schools International represented schools with a total enrollment of 270,000. By 2005, that number had grown to 746,681 but it has declined since then. In 2014, the association represented schools with an enrollment of 583,048. Looking at other associations or independent schools, one sees an even more dramatic decline. If anger over school integration and teaching about evolution and sex education, worries about "secular humanism," and disorder in public schools helped fuel the rise of Protestant schools, then the growing secularism of the culture, the costs of tuition at private schools, the growth of homeschooling, and scandals at both Catholic and Protestant churches have all fueled the decline though in what order no one knows. Certainly, publicly funded charter schools, which may not teach religion but can reflect many parental values, have cut into the enrollment at religious schools because charter schools charge no tuition, but no one knows exact numbers.[20]

Still at present, a wide variety of religious schools can be found in many parts of the United States—urban, suburban, and rural. Schools affiliated with Muslim mosques, primarily also those serving African American communities, can be found in many cities. Catholic parochial schools, Protestant schools affiliated with many different denominations or none, Russian Orthodox schools, and others are widespread. Most surprising, perhaps, is the rapid change in attitudes toward public education in the nation's Jewish community and the extraordinary growth of Jewish day schools.

Sara Smith, who is studying Jewish day schools, has reviewed much of the research on the changing demographics of the schools. A report from the Avi Chai Foundation by Marvin Schick shows that as of 2014 some 255,000 Jewish children attended 861 Jewish day schools in the United States, 60 percent in Ultra-Orthodox schools and the remaining 40 percent spread over a combination of Conservative, Reform, and mixed schools. This is almost a fourfold incrase from the 65,000 students attending 306 of these schools in 1964 reported by Alvin Schiff. The 2014 numbers may represent up to a quarter of all of the children who are being raised as Jewish today. The total Jewish population of the country is hard to determine and subject to controversy. Some say all children born to a Jewish mother are Jewish. Some count those who simply "say they are Jewish," and others use other numbers. The best data available say that as of 2013 about 900,000 children are being raised exclusively as Jewish, although twice that number live in a household with at least one Jewish adult (not necessarily a parent). Whatever the exact numbers, the fact that 255,000

Jewish children attend Jewish day schools is a huge demographic change from 1964 and, indeed, from any previous moment in American history.[21]

Jewish schools existed in places such as New Amsterdam / New York City and Newport, Rhode Island, even before the United States was founded. Congregations in Philadelphia, Cincinnati, and New York created schools in the early nineteenth century, including B'nai Jeshurun (1842) and Ansche Chesed (1845). But these were outliers. During the great migration of eastern European Jews to the United States between 1880 and 1920, nearly all immigrants sent their children to public schools. These immigrants were poor, but they also saw the public schools as a badge of their assimilation. As Hasia Diner noted "coming to America offered them the chance to give their children a better education than what they could have had in Europe. They almost universally sought that education in the public schools, not Jewish ones." Most Jews rejected the Catholic notion of separate schools and as late as 1944, while 35 percent of Catholic children attended religious schools, only 1 percent of American Jewish children did. Important as the early Jewish schools in New York and other cities might be, there is no direct line from them to the modern Jewish day schools that developed from other roots.[22]

After World War II, the situation slowly changed. The first Jewish day schools were founded by the Orthodox community, which was especially concerned with retaining the Jewish identity and countering secularizing and overly Americanizing influences that they experienced even before World War II. Late in the twentieth century, however, a shift took place not only among Orthodox parents but also among Conservative and Reform families. Orthodox Jews sought a high degree of separation to maintain their traditions and to avoid the marriage of their children to non-Jews, and remain the strongest supporters of separate schooling. However, other Jews have followed. Rabbi Robert Abramson, director of the Education Department of the United Synagogue of Conservative Judaism, who saw the growth of Jewish day schools among non-Orthodox groups as a significant change for what has been seen as an assimilationist-oriented community. "For many of the Orthodox, they were looking for isolation from American culture. . . . That certainly is not what our schools were founded for. They were founded as a way to embrace modernity and tradition."[23]

In part, many Jews began to rethink their Jewish identify in light of the Holocaust and the founding of the state of Israel. In part, a new generation of Jews were affluent enough to be able to provide private schooling for their children. Many Jews, and not only among the Orthodox, began to worry that their assimilation into the United States was going too far and with high rates of intermarriage with Christians, any Jewish identity could be lost in a few generations. And in part, as the conservative Jewish sociologist Milton Him-

melfarb said, "The long Jewish romance with public school is beginning to cool." Some of the cooling had to do with concerns about the quality of public education, some due with its secular nature, and with the white flight from racially integrated institutions similar to what was seen among other groups of whites. Whatever the reason, or mix of reasons, as Hasia Diner noted, "By the 1990s nearly 40 percent of Jewish children enrolled in a Jewish educational program attended a Jewish day school. If parents wanted any Jewish education, it seemed, they wanted immersion and thus, "Jewish parents who had attended public schools began to send their own children to Jewish schools."[24]

With the rapid growth of day schools in all Jewish communities came urgent questions of funding. While some of those sending their children to Jewish day schools did so because they could afford to do so, there was a larger pool of people, perhaps especially in the Orthodox community, who could not. From the 1940s onward, some Jewish day schools, like some Catholic parochial schools, received limited forms of public funding in the form of transportation, lunches, and textbooks. As early as the 1970s, Rabbi Harold Saperstein, a Reform Jew and president of the New York Board of Rabbis said, "I believe that the time has come for a reevaluation of our position towards state aid. In a fluid society the closed mind is not a virtue." Saperstein also suggested making common cause with Catholics in seeking expanded forms of aid. What began as an occasional voice in the 1970s grew to a shout as each succeeding decade saw more and more students attending day schools and often straining family budgets to do so. By the time of the 2012 rally in Houston, Texas that Bordelon described, Jews in every part of the country were lobbying actively—often in surprising ecumenical coalitions with Catholics and Protestants—to seek government financial support for the core work of the schools in the form of either vouchers or tax-credit-funded scholarships.[25]

Teaching Religion

In April 2010, the American Academy of Religion (AAR), the primary scholarly society of academics who research or teach topics related to religion, issued a report, *Guidelines for Teaching About Religion in K-12 Public Schools in the United States*. A task force appointed by the AAR and chaired by Diane Moore of Harvard University's Divinity School and author of *Overcoming Religious Illiteracy: A Cultural Studies Approach to the Study of Religion in Secondary Education* spent two years developing the report, which was adopted by the AAR as an official document. The AAR report began with a premise that there is "widespread illiteracy about religion in the United States," and that this illiteracy leads to prejudice and antagonism but can be reduced by "teaching about religion from a non-devotional perspective." The AAR task force recommended that the teaching about religion be done with clear reference to the cultural

contexts in which religions develop and with an eye to encouraging students to look at the diversity and change within as well as among religious traditions. The task force also sought engagement with texts and ideas wherever appropriate and urged that religious topics be included in courses across the curriculum. In addition, the AAR group based its work on three core ideas about the study of religion:

- Religions are internally diverse.
- Religions are dynamic.
- Religions are embedded in culture.

The task force's goal of a curriculum that "educates about all religions" and that "informs students about various beliefs" without denigrating or seeking conformity with any. Such an approach, if adopted, would change much about the way academic subjects—which far too often avoid any mention of religion at all cost—are taught in schools throughout the United States even more than it might add specific courses on religion. The AAR task force recognized that significant work was needed to prepare the curriculum materials and offer the kinds of professional development and teacher education programs necessary to create a generation of teachers ready to meet the challenge. But they insisted that overcoming religious illiteracy was an urgent educational need in an increasingly diverse society.[26]

The AAR report was far from the first call for increased teaching about religion in America's public schools. In 2007, Boston University professor Stephen Prothero made a splash in the news with *Religious Literacy: What Every American Needs to Know—and Doesn't*. Prothero's book was a call to action to expand student's knowledge about religion. He noted that while the United States is a deeply religious nation, it is also a profoundly ignorant one about the topic of religion. As but one illustration, Prothero complained that half of all Americans could not name any one of the four gospels in the Christian Bible though most Americans said they were Christian. With his lists of facts that any well-educated person should know about religion, including a long "Dictionary of Religious Literacy," and his proposed quizzes for religious content knowledge, Prothero's book focused on information that a person should know. It was a far cry from the analysis of the development of religions, the diversity among them, and the sophisticated understanding of the interaction of cultural and religious development that the AAR called for. Yet both struck a similar chord with the plea for greater literacy and understanding about religion and its place in the nation and in the world.[27]

Earlier, Thomas C. Hunt and James C. Carper wrote, "In company with authors like Stephen Carter *[The Culture of Disbelief: How American Law and*

Politics Trivialize Religious Devotion] and Warren Nord *[Religion & American Education: Rethinking a National Dilemma]*, we believe that the United States has become publicly a secular nation, largely devoid of theistic religious influence in its institutions, including its schools. This, despite the fact that most Americans embrace, in diverse ways, a theistic belief system."[28] Clearly, schools do not need to be this secular.

For all of the confusion sown by the Supreme Court's divided and seemingly contradictory opinions, the court has been consistent in ruling that the study of religion is acceptable in the schools. Justice Tom C. Clark made the point emphatically in the 1963 *Abington v. Schempp* decision, disallowing official prayers and devotional reading of the Bible. "Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment." Subsequent justices reaffirmed the conclusion. In *Epperson v. Arkansas*, Justice Fortas reiterated Justice Clark's opinion when he wrote,, "While the study of religions and of the Bible from a literary and historic viewpoint, presented objectively as part of a secular program of education, need not collide with the First Amendment's prohibition, the State may not adopt programs or practices in its public schools or colleges which 'aid or oppose' any religion." On this point, there should be no confusion. The growing secularization of the school curriculum is thus a result of a secular bias on the part of curriculum developers; fear of controversy over disputed issues by publishers, administrators, and teachers; or a clear misreading of the laws and court rulings.[29]

Warren Nord s exhaustive *Religion & American Education: Rethinking a National Dilemma* began with the assumption that "we need not make schools Christian or eliminate all religion from public education; there are alternatives." For Nord, an essential starting point is educating educators. Nord says, "One reason our situation is so difficult is that most educators are not very well educated about religion." Nord sets out to educate the educators to view religion; the study of history, science, morality; and the specific field of religious studies as important in their own right and an essential element in a complete education.[30]

Where Nord and most of those who seek to expand the teaching of religion in the schools focus on increasing the discussion of religious themes in history, in literature, and in the sciences, Nel Noddings focuses on perennial human questions that often have religious themes. Much in the AAR task force's approach is consistent with Noddings's approach to the teaching of religion. Noddings herself says that most students, whatever their religious or nonreligious background, ask such questions as part of the process of maturing. To remind adults of this reality, Noddings quotes the comic strip *Calvin and*

Hobbes, in which the ever-inquisitive Calvin raises a question that may not be in the syllabus but is certainly in the minds of many very real children and adults. In this strip, Calvin's teacher asks whether any of the students has a question:

> Calvin: What's the point of human existence?
> Teacher: I meant any questions about the subject at hand.
> Calvin: Oh. (Staring at his book, he mumbles, "Frankly, I'd like to have the issue resolved before I expend any more energy on this.")

Anyone who has taught school or spent time with children and youth has experienced just this sort of question—often at an awkward moment, or at least at a time when orderly adult minds were preparing to move to the next item on the agenda. Noddings says that failure to attend to such questions, when they arise and in the context in which they arise, is failure to be the kind of open and engaged teacher that most good instructors want to be.[31]

Schools have tended to shy away from the "What's the point of human existence?" questions, however. In part, it is a fear of controversy. In part, it is an understandable worry about conflict with family and community norms. In part, it is worry about "covering the curriculum," especially in our test- and measurement-driven educational atmosphere. In part, it is sheer intellectual cowardice. But children are asking the questions. Indeed, as Noddings says, "People of all kinds—of all times and places—have asked questions about gods, existence, and the meaning of life." To put those questions aside is to compartmentalize not only the curriculum but also the life of the mind and the life of the human spirit. For example, Noddings says, "Children in the Catholic faith learn that the purpose of life is 'to know and love God . . . ,' but since they rarely hear the notion discussed in 'important' areas of schooling, they learn to compartmentalize their curiosity and, worse, their longings. . . . One starts with good grades, 'solid' courses, the right schools, and proceeds to a good job. Inside, a small voice may continue to ask (in English, of course), Quo vadis? Quo vadis?" For Noddings, to close schools off from the realm of ultimate questions is to impoverish both schools and children.[32]

While many have discussed world religion courses, the city of Modesto, California, took the unique step of implementing a course in world religions in 2000, and the schools in that city have offered the course every year since. Modesto, in California's Central Valley is a very diverse city of 190,000, dominated by agriculture and includes prosperous farm families and very poor farmworkers. As a study of the world religions course by Emilie Lester and Patrick S. Roberts reported, Modesto is "a highly diverse community, including Jews, Buddhists, Sikhs, and Muslims. Evangelical 'megachurches' have sprung up alongside mainline Protestant and Catholic denominations." The world reli-

gions course in Modesto began after an earlier program focused on "teaching tolerance" for homosexuality, implemented as part of their safe schools program, exploded into an angry dispute among religious groups, some of whom thought Modesto schools were encouraging what they saw as sinful behavior.

Rather than backtrack on the teaching tolerance curriculum, authorities in Modesto decided to expand the emphasis to look at the roots of the conflict and at the way the tradition of religious liberty in the United States might inform the discussion. In addition to teachers and administrators, the district created an advisory committee of religious leaders and outside consultants. The outcome was a required nine-week, ninth-grade course that began with a two-week focus on religious liberty and freedom of conscience, followed by seven weeks devoted to world religions. Hinduism, Buddhism, Confucianism, Sikhism, Judaism, Christianity, and Islam get one week each. The course is paired with another nine-week course that looks at world geography. Religions are studied in the order in which they appeared in history. The two-week introduction includes a discussion of the development of religious liberty in the United States, the Bill of Rights, and Supreme Court decisions as well as the impact of religion on history. In each of the subsequent weeks, there is a look at what the curriculum guide calls the "essential concepts, events, people, vocabulary" of each tradition. In one week per religion, there is no time to look at internal differences within each religion but only the historical developments and contemporary beliefs and practices of each one. Wary of the earlier conflicts over teaching tolerance, teachers are told to avoid controversy, emotional topics, and especially any comparative judgments about different faith traditions.

The Modesto authorities are modest about their goals. They insist that any potential success should not be exaggerated and know that a nine-week course can only accomplish a very limited amount. They are also careful using a motto of "teach not preach" and avoiding guest speakers who may not have fully grasped the curriculum's focus on understanding and respecting the diversity of world religions. And their desire to avoid controversy creates its own limits. Nevertheless, the Lester-Roberts study indicated statistically significant increases in at least passive tolerance and the reduction of discriminatory behavior as a result of the course. Less clear is the course's impact on students' actual knowledge of world religions. Nevertheless, the Modesto course is an important start and an example well worth further study.[33]

Another very different approach to the place of religion in children's education is taking place in Duluth, Minnesota, although the word *religion* never appears in the discussion. As observed by researcher Amy Karwoski, the Duluth program is primarily an effort by public school leaders to engage their many Ojibwe students and their parents who live in the district and to ensure the ongoing life of their tribal language. With their focus on assimilation, the

federal boarding schools of the early and mid-twentieth century sought to stamp out the Ojibwe language and with it the Ojibwe belief systems. Now Duluth public schools offer a kindergarten option in which instruction, for both Native American and non-Native volunteers, is primarily in the Ojibwe language. But changing the language of instruction also fundamentally changes the content of the instruction in the Ojibwe context. As the Ojibwe instructor and tribal elder Gordon Maajigwaneyaash Jourdain says, "In Ojibwe there is only one subject: 'bimaadiziwin'—life." And instruction in life must, of necessity, include instruction in the spiritual values of the Ojibwe people. While Jourdain noted that there is intense debate about what constitutes "authentic" Ojibwe teaching, there is no version of the tribal ways that can exclude spiritual matters, even though the program is offered in Minnesota public schools, was developed using public funds, and represents a culturally sensitive response to a segment of the Duluth population who had felt themselves marginalized in the schools.

Under the headline, "Congratulations to the first Misaabekong Kindergarten Class students at Lowell Elementary," the Duluth superintendent's newsletter for July 15, 2015, announced the expansion of the program: "In addition to a Kindergarten classroom, Lowell will offer a Grade 1 Ojibwe Immersion Language classroom beginning in September 2015. Both classrooms are designed to enrich the education of students by teaching core academic subjects in Ojibwemowin and developing appreciation of their own and other cultures." Like the program in Modesto, the program in Duluth clearly has multiple goals, including engaging Ojibwe families and keeping their children in school longer by fostering an early sense of connection to the schools, increasing cross-cultural understanding, and improving knowledge of the values of another culture for non-Native students. The Duluth program is also designed to help save a fast disappearing language. Yet permeating all talk of Ojibwe language and culture is an understanding that, as Ojibwe scholar Brian D. McInnes writes, their language "was originally given to the Ojibwe people to preserve as a means of sacred communication." McInnes adds, "As a language valued for both its everyday and spiritual communicative functions, there are many use conventions that are necessarily observed. Specific genres of stories may be told only during particular times, certain words should never be said out of context, and attention should be given to never offend other human or spiritual beings through careless speech." Any effort at the separation of church and state in this context would result in a curriculum that was only a pale imitation of life as seen by the Ojibwe.[34]

It is important to note that the kind of schooling that the AAR task force, Noddings, Nord, Prothero, and school authorities in Modesto and Duluth talk

about is not easy to create. These authors and curriculum developers disagree sharply among themselves. In fact, while there is widespread support for "the objective teaching of religion in the schools," as the Supreme Court called it, such an approach is not nearly as easy in practice as it is in theory. For one thing, religious faith, by definition, is not objective. Many of us have had the experience of hearing someone else describe our own faith and saying, "That's not quite right." After all, Protestants believe many different things and disagree passionately with other Protestants. So do Catholics, Jews, Muslims, Hindus, agnostics, and atheists. A person so inclined could argue that part of the evidence for considering secular humanism a religion is that its adherents do not agree with each other on many things either. Teaching usually involves generalizing, and generalizing about religion often involves getting it wrong. In addition, advocates of teaching religion in public schools often disagree among themselves about the best approach. As with many fields, it is hard to teach about the topic of religion without providing students with experience with the topic. Science classes without labs are second-rate science classes. But the primary hands-on experience of religion is the worship of believers. School visits to church, synagogue, mosque, or ashram move very close to the fine line of separation between church and state. And many believers are properly wary of having their children actively involved as observers or participants in other forms or worship or of simply being observed, as if they are some sort of lab specimen. Modesto Rabbi Paul Gordon, a supporter of the Modesto course, also recognized the limitation, saying that "the flesh and blood of a religion's lived experience must be learned elsewhere." So—important as the study of religion is, as right as its advocates are in arguing that we cannot understand our culture in any fundamental way without attending to matters of faith—we have not set ourselves an easy task when we seek to move forward on that front.[35]

There are those who argue that we are best served by keeping religion a private matter while the common areas—the public square—is secular. Secular need not be hostile to religion. It can, indeed, be respectful to religion—many *different* religions. But there are things, and personal faith may be one of them, that do not thrive best when receiving the constant exposure of the public arena. Certainly, the argument can be made that some matters are best attended to at home, in specifically faith-based communities, in subsets of the society where people who share common assumptions and passions can share them freely, without worry about imposition on others and without needing to explain themselves to others.

In 1965, young Baptist theologian Harvey Cox published *The Secular City*. Cox's celebration of the intellectual and spiritual freedom of modern urban life became an immediate best seller. Twenty-five years later, looking back at the

theses he had argued, Cox confessed a bit of sheepishness at some of his conclusions but also held fast to the main theme.

> If anything, I believe these developments make the central thesis of *The Secular City* even more credible. I argued then that secularization—if it is not permitted to calcify into an ideology (which I called "secular*ism*")—is not everywhere and always an evil. It frees religious groups from their own theocratic pretensions and allows people to choose among a wider range of ethical and spiritual options. Today, in parallel fashion, it seems obvious that the resurgence of religion in the world is not everywhere and always a *good* thing. . . . Wouldn't a modest sprinkling of secularization, a dereligionizing of the issues come as a welcome relief in Ulster, and help resolve the murderous tensions in Kashmir and the Gaza Strip?

One cannot help wondering whether some of those who participated in the congressional debate on the Religious Freedom Amendment or who tried to wend their way through the school prayer crisis in DeKalb County, Alabama, not to mention the grieving citizens of West Paducah, Kentucky, wouldn't ask some similar questions.[36]

In fact, in the midst of the congressional debate on the Religious Freedom Amendment in June 1998, Representative Bob Wise, Democrat of West Virginia, told his colleagues:

> Madam Speaker, my faith, I want to get personal for a minute, comes from my heart. I seek, and I know many do, God in many ways, and we each find him in our own way through our parents, through our churches, through our community groups, through our pain, through our joy, through our many errors. That is how we find God. I take comfort in Matthew, Chapter 6 and Verse 6, "and when thou prayest, pray to thy father in private and he shall hear you." I think those are important words because that is the prayer that the Lord hears. Madam Speaker, I have great respect for everyone in this Chamber, men and women devoted to their government and to doing right. But with all due respect, I want this Chamber writing laws, I want us writing budgets, I want us writing resolutions. I do not want politicians writing my children's prayers. Let my children find God as we all must find God, through ourselves and our churches and our communities and our parents and our upbringings and our many experiences.[37]

There are, Congressman Wise seems to be saying, some very important arenas of life best left alone by Congress and the schools . . . and religion may well be one of them.

Finding New Ways to Respect a Diverse Student Body

In 2014, the Pew Research Center conducted a study of "America's Changing Religious Landscape." The study, published in May 2015, confirmed trends that other similar studies also found—the majority of people in the United States still identify as Christian but that majority is smaller now than in past decades. In seven years, from 2007 to 2014, the percentage of adults who describe themselves as Christian dropped from 78.4 percent to 70.6 percent. The number who describe themselves as atheist, agnostic, or "nothing in particular" jumped from 16.1 percent to 22.8 percent while the share of Americans who identify with non-Christian faiths—Jews, but also growing numbers of Muslims and Hindus—grew from 4.7 percent to 5.9 percent. This is a dramatic change in just seven years. What is even more dramatic is that the largest changes are among young adults. Only 57 percent of those born between 1981 and 1989 and 56 percent of those born between 1990 and 1996 describe themselves as Christian in any way, while 34 percent to 36 percent of these cohorts describe themselves as unaffiliated. In contrast, 85 percent of Americans born between 1928 and 1945 describe themselves as Christian. While the exact statistics vary by region and religious group, this drop in active engagement with and sometime even belief in religion is true across the spectrum for Protestant, Catholic, and Jew, liberal, and conservative. As Robert D. Putnam and David E. Campbell have noted, "the evangelical boom that began in the 1970s was over by the early 1990s, nearly two decades ago. In twenty-first century America, expansive evangelicalism is a feature of the past not the present." These statistics have significant meaning for public debates about the place of religion in the schools but also for the religious upbringing of today's students since adults of the millennial generations are—or soon will be—the majority of public school parents in the country.[38]

In their 1993 book *Identity and Inner-City Youth: Beyond Ethnicity and Gender*, Shirley Brice Heath and Milbrey W. McLaughlin described how notions of race and ethnicity that motivated public policy discussions were far removed from the changing mix of African American, Latino, Asian, and European American youth who, by the 1990s, actually lived in the neighborhoods, schools, and religious organizations of many of today's cities. As a result, "Ethnicity seemed, from the youth perspective, to be more often a label assigned to them by outsiders than an indication of their real sense of self." The same may well be true of religious categories among students of the next generation.[39]

Far more than most people have realized, the United States is a very different country in the twenty-first century from what it was even twenty or thirty years ago. Since the last years of the twentieth century, the United States has seen immigration from the farthest reaches of the world: Asia, Latin America,

Eastern Europe, and the Middle East. In addition, many people already in the country are moving frequently. As a result, many assumptions about the ethnic and religious character of the nation's people no longer hold. This is especially true in the nation's major cities and among the nation's young people. William Frey, writing for the Brookings Institution, a Washington, DC, think tank, said, "America reached an important milestone in 2011. That occurred when, for the first time in the history of the country, more minority babies than white babies were born in a year. Soon, most children will be racial minorities: Hispanics, blacks, Asians, and other nonwhite races. And, in about three decades, whites will constitute a minority of all Americans." This extraordinary diversity of people includes people of many religious differences or no interest in religion.[40]

In 1966, somewhat facetiously, Supreme Court Justice William O. Douglas reminded Americans that Islam was one of the fastest-growing religions in the world, including in the United States. "In time Moslems will control some of our school boards. In time devout Moslems may want their prayer in our schools; and if Protestant sects can get their prayers past the barriers of the First Amendment, the same passage would be guaranteed for Moslems." Is that really what the advocates of prayer in school wanted? Douglas asked.[41]

Today, schools in some urban areas may well have a Muslim majority. There are districts with Buddhist majorities, just as there are districts with Mormon, with Catholic, with Jewish, and with Baptist majorities. The Pew Research Center shows that there are, or soon will be, many districts in which the majority will be "nothing in particular" in terms of religious affiliation. The United States is rapidly becoming more and more diverse, far more so than many citizens realize. For some, the answer is simple: let the majority decide. For others who have been in the minority position too long, or fear what it may entail, the issues are much more complex.

In a nation of great and growing diversity, many whose ethnicity or religion was once considered the dominant culture have a hard time letting go of their perceived place in society. Especially in the case of religion, it is all too easy for some to justify a lack of civility and openness based on assumptions that they are right or indeed are saving the souls of others. It is also often the case that a group that may be shrinking in size is able to raise the loudest voice and the most money and dominate the conversation in neighborhood or nation far out of proportion to the group's percentage of the population.

The American Civil Liberties Union recently reported the case of a young Jordan Anderson who was a student in Jefferson, South Carolina. As a student, Anderson decided on his own and after some study that he was an atheist. Yet when he attended school, the principal and teachers cited Bible stories in lessons

and prayed in in class. The Ten Commandments were displayed in the school halls. Anderson held his tongue. Then in 2011, school principal Larry Stinson held a "worship rally" as part of the school day, which included a rapper whose "passion is to show people that praising God can be so much fun" and called on students to make "a decision for Jesus Christ," which 324 of Anderson's classmates did.

For Jordan Anderson, the rally was too much. He called on the ACLU, which filed suit against the school's practices and in 2012 won a consent decree in which the school agreed to stop the Bible stories and the rallies. After further investigation, the ACLU found similar practices in many nearby school districts, prayers at school events and "cultural enrichment" programs for students offered on school time by churches. In most cases, they again won consent decrees to stop. But the backlash against Anderson was intense. He got death threats. Neighbors honked and cursed. His father's landscape business lost nearly all of its customers. Both the family dogs became ill and one died. The Anderson family thought they had been poisoned. The Anderson family eventually moved out of state.[42] The case of Jordan Anderson may seem to be extreme in the twenty-first century, but as the ACLU investigation showed, it is not unheard of. In the name of religion, students are bullied, hurt, and ostracized.

Stephen Carter, a Yale professor who has written widely about the place of religion in society, imagines a situation that might be the opposite of Jordan Anderson's:

> Consider two examples. Imagine that you are the parent of a child in a public school, and you discover that the school, instead of offering the child a fair and balanced picture of the world—including your lifestyle choice—is teaching things that seem to the child to prove your lifestyle an inferior and perhaps irrational one. If the school's teachings are offensive to you because you are gay or black or disabled the chances are that the school will at least give you a hearing and, if it does not, that many liberals will flock to your side and you will find a sympathetic ear in the media. But if you do not like the way the school talks about religion, or if you believe that the school is inciting your children to abandon their religion, you will probably find that the media will mock you, the liberal establishment will announce that you are engaged in censorship, and the courts will toss you out on your ear.

Now, Carter must visit different schools from the ones I do. In twenty-first-century America, there are still many schools where the rights of gay students, students of color, and disabled students *and* students from religious minorities are far from receiving respect and where those who challenge such practices are

also tossed out on their ears. Jordan Anderson is not the only example that could be provided.[43]

There are far too many schools in the United States today that violate the legal requirements for access for disabled students and where female students or gay and lesbian students—and teachers—are mocked. Racism is alive and well, and some say flourishing more than ever. However, Carter is half-right. There are teachers and intellectual leaders who have a seemingly irrational fear of any mention of religion and especially of any religious passion in any form. The question is, Why should Carter, or anyone else, treat one form of discrimination differently from another? Discrimination, in any form, is wrong. Any hierarchy of oppression misses the point.

Where Do We Go from Here: Chaos or Community?

In 1967, Martin Luther King, Jr., issued one of his great challenges to the nation, and to many in the civil rights movement, with his book *Where Do We Go from Here: Chaos or Community?* King's book was really a parable for his life's work. He wrote:

> Some years ago a famous novelist died. Among his papers was found a list of suggested plots for future stories, the most prominently underscored being this one: "A widely separated family inherits a house in which they have to live together." This is the great new problem of mankind. We have inherited a large house, a great "world house" in which we have to live together—black and white, Eastern and Western, Gentile and Jew, Catholic and Protestant, Moslem and Hindu—a family unduly separated in ideas, culture and interest, who because we can never again live apart, must learn somehow to live with each other in peace.

Race and religion have long been great fault lines in American society. In the years ahead, the same challenge King raised is likely to continue to apply in both realms. As King reminded his generation, we must choose between "chaos and community."[44]

There are both encouraging and discouraging signs about the ability of twenty-first-century Americans to live in the same house. The challenge that King described is alive and well. However, the rapid growth of separate religious schools—Jewish schools, Catholic schools, schools for white Baptists and schools for black Baptists, schools in which the science curriculum is thoroughly grounded in evolutionary science, and schools in which the science curriculum is focused on the story of creation as told in Genesis—these different schools are not likely to do a good job of preparing the next generation of a diverse democratic society. There may be good reasons why such schools can offer an especially solid education. There are certainly sound constitutional reasons why they have a right to exist, whether or not they can receive public money. But there is

also reason to worry about what the growth of such schools and the increasing religious segregation that they foster will mean for modern Americans.

There are other ways, however, in which Americans are far less religiously segregated than in previous generations when Catholics only married Catholics and when Methodists only married Methodists and people who married "outside of their faith" were ostracized. Not long ago—and today in many places—many people lived in religiously as well as ethnically segregated neighborhoods, and the neighborhood public school only included students of one religion and was not a very tolerant place for anyone outside the religious fold. But the world is changing.

In their study of American religious divisions, sociologists Robert Putnam and David Campbell examine the changes that have taken place in America and conclude:

> Over the last fifty years, American religion has thus experienced two countervailing transformations. The first is the emergence of a new religious fault line in American society. Left on its own, such a fault line could split open and tear the nation apart. The second change, however, is precisely why the fault line has not become a gaping chasm. Polarization has not been accompanied by religious segregation—either literally or metaphorically. To the contrary, rather than cocooning into isolated religious communities, Americans have become increasingly likely to work with, live alongside, and marry people of other religions—or people with no religion at all. In doing so, they have come to accept people with a religious background different from theirs. It is difficult to demonize the religion, or lack of religion, of people you know and, especially, those you love.[45]

Putnam and Campbell conclude that the reasons for optimism outweigh the reasons for pessimism. Even religious skeptics might, indeed, pray that they are right.

Justin Watson's brilliant analysis of the Christian Coalition applies to a far wider number of people than the coalition's members. There is a deep ambivalence within the coalition, Watson argued, between those demanding a rightful recognition for themselves and their religious views, and those wanting a Protestant restoration, [perhaps today a Christian restoration] a longing for a past in which the Christian religion dominated all aspects of the nation's life. Some, he says, simply want respect for their rights as citizens; others want to dominate all aspects for the culture—for everyone. These two hopes coexisted in the organization and, indeed, sometimes in the same person.

Speaking of the religious views of many who are currently most alienated from the schools, Stephen Arons, another scholar who has examined the issue, says: "As expected, the values expressed and fought for by these dissidents are, more often than not, unattractive, wrong-headed, and contrary to the accepted

wisdom of the majority. Dissent, by definition, is unpopular. Yet they have acted on conscience, have shown clear commitment to their children, and have expressed fears common to many of us. It is, therefore, inappropriate for the majority to dismiss the dissidents as deranged or to congratulate itself that lack of involvement in school politics is healthy." Democracy, Arons says, is by definition messy. It is also a much healthier polity in which to air religious and educational differences than any other.[46]

There is an old civil liberties saying, "I may disagree with what you have to say, but I'll die for your right to say it." It may be important today for those who disagree—sometimes deeply—with conservative Christians to also insist that their children be treated with as much respect as any other child in the public schools of this nation. The same, of course, must be said with equal force for the atheist or the agnostic, the Sikh, the Sufi, or the Christian Scientist. Anything less invites a retreat into private schools and ultimately undermines public education. Anything less is fundamentally undemocratic.

Michael Apple has stated the case for a more tolerant, open, and welcoming school for all citizens, especially those with whom we may disagree sharply. He wrote: "When school bureaucracies do not listen respectfully to criticism, when our definitions of 'professionalism' are used to exclude power-sharing arrangements, when a curriculum seems imposed, when community members feel their voices are ignored—all of this makes rightist arguments seem sensible, even among those people who are not usually sympathetic to such ideological positions." This applies perhaps especially to the issue of religion in the schools. To the degree that some religious people have been marginalized and driven into the arms of political conservatives, who are not otherwise their allies, to that degree, educational liberals, secular and religious, have failed. Apple continues: "Thus, the conditions for growth of rightist anti-school and anti-public movements are often created at a local level. Making schools more open and responsive is not 'just' important because it may raise achievement scores or it may get more parents involved in supporting what 'we' want. It is also absolutely crucial for interrupting the growth of rightist social movements."[47]

The way to a better future is through an inclusive and engaging education in which schools encourage all of their citizens—students, teachers, and administrators—to listen respectfully, where power is shared, where all voices are heard and given their due rights. We may not agree with all of the voices; indeed, we *will* not. That is the nature of democratic dialogue. But our education will be richer, our cultural diversity will be strengthened, and our most fundamental democratic sensibilities will be more deeply engaged if we extend a welcoming hand to religious people, to fundamentalists, to believers in creationism, and equally to Native Americans who claim their ancient spirituality, to Muslims of many varieties, to orthodox and not-so-orthodox Jews, to

followers of emerging New Age spirituality, and to militant atheists and cautious agnostics. All have a right to a place at the table, all have much to learn from and contribute to the ever-changing American culture, and all are part of the rich tapestry of multicultural America that is emerging in the opening years of a new century.

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Chapter 1 • From Holy Commonwealths to "No Laws Respecting an Establishment of Religion," 1600–1792

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12. Thomas Jefferson, "A Bill for Establishing Religious Freedom," in Julian P. Boyd, ed., 15, *The Papers of Thomas Jefferson* (Princeton, NJ, 1950), 2:545–547.

13. See David Sehat, *The Myth of American Religious Freedom* (New York, 2011), 31–37.

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15. *The Constitution of the United States* (Washington, DC); Akhil Reed Amar, *The Bill of Rights* (New Haven, CT, 1998), 37–27; Labunski, *James Madison*, 222–224; Sehat, *Myth of American Religious Freedom*, 47–50.

16. George Washington Papers, 1741–1799, Library of Congress, Letterbook 39.

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18. Edward S. Corwin and William F. White Foundation, "The Supreme Court as National School Board," in *A Constitution of Powers in a Secular State* (Charlottesville, VA, 1951), 106. Cited and discussed in Philip Hamburger, *Separation of Church and State* (Cambridge, MA, 2002), 3–6.

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Chapter 2 · Creating an American Common School and a Common Faith

1. Francis N. Thorpe, ed., *Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States*, 7 vols. (Washington, DC, 1909).

2. See Carl F. Kaestle, *Pillars of the Republic: Common Schools and American Society, 1780–1860* (New York, 1983).

3. All citations here are from Horace Mann, "Twelfth Report," in Lawrence A. Cremin, ed., *The Republic and the School: Horace Mann on the Education of Free Men* (New York, 1957). Mann's reports have been printed in various formats, all with different page numbering, since their original publication by the Commonwealth of Massachusetts during Mann's tenure.

4. Mann, "Twelfth Report."

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6. Mary Peabody Mann, *Life of Horace Mann* (Boston, 1891), 14. See also Jonathan Messerli, *Horace Mann: A Biography* (New York, 1972), for a thorough account of Mann's life and work.

7. Carl F. Kaestle and Maris A. Vinovskis, *Education and Social Change in Nineteenth-Century Massachusetts* (Cambridge, MA, 1980).

8. "Report of the Committee on Education, Massachusetts House of Representatives," March 7, 1840, *The Common School Journal*, 2, no. 15 (Aug. 1, 1840): 225.

9. "Report of the Committee on Education," 227.

10. "Report of the Committee on Education," 227.

11. "Report of the Committee on Education," 228. For a thoughtful and detailed analysis of Mann's battles with the legislature and other religious groups in Massachusetts, see Kaestle and Vinovskis, *Education and Social*, and Charles Leslie Glenn, Jr., *The Myth of the Common School* (Amherst, MA, 1988).

12. Assumptions that the word *evangelical* meant the same thing in the early nineteenth and the late twentieth centuries has led to a great deal of confusion in interpreting the role of religion in American schools and society. By class background, attitudes toward the dominant culture, and theological content, nineteenth-century evangelicals were very different from those who use the term—or about whom it is used—at the beginning of the twenty-first century. It is important to remember William G. McLoughlin's helpful distinction:

> The history of Evangelicalism in America must be told on three levels; first as philosophy, second as theology, and third as social history. As philosophy it is the story of the permeation of nineteenth century thought with the ideas and systems of the Scottish Common Sense School. As theology it is the story of the decline of Calvinism, the Protestant Counter Reformation, against deism, and the emergence of a new theological consensus on Arminian principles which prevailed between the Second Great Awakening and the rise of Modernism. As social history it is the story of the final triumph of voluntarism over establishmentarianism and the rise of a new revivalistic religion which was as interdenominational in its pattern as the moral reform crusades and benevolent associations which it spawned to purify the nation and redeem the world.

From William G. McLoughlin, introduction to *The American Evangelicals, 1800–1900* (New York, 1968), 2. In other words, nineteenth-century evangelicals saw themselves as much more a part of—often leaders of—the wider society and certainly not as a persecuted minority. Partly for this reason, they were also considerably more liberal in theology and especially in politics. Most were abolitionists, whether moderate or radical.

13. See "L.B. to Catharine, Boston, July 8, 1830," in Lyman Beecher, *Autobiography*, 2 vols. (New York, 1864; edited by Barbara Cross, Cambridge, MA, 1961), 2:167, and "Catharine to Harriet, Cincinnati, April 17, 1832," in *Autobiography,* 2:199–201.

14. Much of the material on Lyman Beecher is from my earlier study, *Pedagogue for God's Kingdom: Lyman Beecher and the Second Great Awakening* (Lanham, MD, 1985). For more detail, see that study.

15. Kaestle, *Pillars of the Republic*, 76.

16. See Timothy L. Smith, "Protestant Schooling and American Nationality, 1800–1850," *Journal of American History*, 53 (1966–1967): 679–694; and David Tyack, "The Kingdom of God and the Common School," *Harvard Educational Review*, 36 (Fall 1966): 454.

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22. Calvin Stowe, "The Religious Element in Education" (Boston, 1844), 26.

23. Tyack, "Kingdom of God," 448.

24. Tyack, "Kingdom of God," 450.

25. Lyman Beecher, *A Plea for the West* (Cincinnati, OH, 1835), 50.

26. Calvin Stowe, "On the Education of Emigrants," *Transactions of the Fifth Annual Meeting of the Western Literary Institute and College of Professional Teachers, October 1835* (Cincinnati, OH, 1836), 68–69.

27. Tyack, "Kingdom of God," 454.

28. Smith, "Protestant Schooling and American Nationality," 679–680.

29. Stowe, "On the Education of Emigrants," 69–70.

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31. See Daniel Aaron, "Cincinnati, 1818–1838: A Study of Attitudes in the Urban West" (PhD dissertation, Harvard University, 1942), 329.

32. Stowe, "Religious Element in Education," 8, 21.

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37. Catharine E. Beecher, *An Essay on the Education of Female Teachers* (New York, 1835), 5.

38. See Lawrence A. Cremin, *American Education: The National Experience, 1783–1876* (New York, 1980), 142–147.

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40. William G. Lewis, *Biography of Samuel Lewis* (Cincinnati, OH, 1857), 118–121; and William T. Coggeshall, "Samuel Lewis," *American Journal of Education* 5 (1858): 729.

41. Samuel Lewis, "First Annual Report" (January 1838), in Lewis, *Biography of Samuel Lewis*, 132.

42. Samuel Lewis, "Third Annual Report" (December 1839), in Lewis, *Biography of Samuel Lewis*, 245.

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44. *Historical Sketches of Public Schools in Cities, Villages and Townships of the State of Ohio* (n.p. 1876), no page.

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46. Walter Havighurst, *The Miami Years, 1809–1969* (New York, 1969), 65; Harvey C. Minnich, *William Holmes McGuffey and His Readers* (Cincinnati, OH, 1936), 31–32; Robert Lynn, "Civil Catechetics in Mid-Victorian America: Some Notes about American Civil Religion, Past and Present," *Religious Education* (January–February 1972), 12, raises questions about the authenticity of the tradition.

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49. Commager, foreword, xii.

50. William H. McGuffey, *McGuffey's New Fourth Eclectic Reader* (Cincinnati, OH, 1857), 34–36, 39–43.

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53. William H. McGuffey, "Characters of the Puritan Fathers of New England," in *McGuffey's New Fifth Eclectic Reader* (Cincinnati, OH, 1857), 251.

54. See Richard D. Mosier, *Making the American Mind: Social and Moral Ideals in the McGuffey Readers* (New York, 1965), 17.

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57. Lyman Beecher, in an advertisement in *McGuffey's Newly Revised Eclectic Fourth Reader* (Cincinnati, OH, 1848), 6.

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59. McGuffey, *New Fifth Reader*, 150–51; and *Sixth Reader*, 57–59; reference from Beecher's published sermons, *A Plea for the West* and *The Memory of Our Fathers.*

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5. Guadalupe San Miguel, Jr., and Richard R. Valencia, "From the Treaty of Guadalupe Hidalgo to Hopwood: The Educational Plight and Struggles of Mexican Americans in the Southwest," *Harvard Educational Review*, 68, no. 3 (Fall 1998): 353–360; Victoria-Maria

MacDonald, "Demanding Their Rights: The Latino Struggle for Educational Access and Equity," in *American Latinos and the Making of the United States: A Theme Study* (Washington, DC, n.d.), 307–329; Rodolfo F. Acuna, *Occupied America: A History of Chicanos*, 7th ed. (Boston, 2011), 96–97.

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7. For a careful description of the development of New York's unique postrevolutionary system of schooling, see Lawrence A. Cremin, *American Education: The National Experience, 1783–1876* (New York, 1980).

8. Kaestle, *Evolution of an Urban School System*, 145–146.

9. Free School Society, *Annual Report* (1825), 7, cited in Kaestle, *Evolution of an Urban School System*, 85.

10. For a detailed analysis of the changing attitude of the Free School Society, and Catholic responses, see Ravitch, *Great School Wars*.

11. Free School Society, *Annual Report* , 7, cited in Kaestle, *Evolution of an Urban School System*, 86.

12. "DeWitt Clinton to Isaac Collins, December 27, 1823," De Witt Clinton Papers, Columbia University, 20: 525, in Kaestle, *Evolution of an Urban school System*, 86.

13. "Report of the Committee on Arts and Sciences," Document No. 80, Board of Assistant Aldermen, April 27, 1840, cited in Ravitch, *Great School Wars*, 43.

14. "Petition of the Catholics of New York for a Portion of the Common School Fund," in Kehoe, *Works of the Most Rev. John Hughes*.

15. For a thoughtful discussion of this dilemma, see McCluskey, *Catholic Education*, 18.

16. "Petition of the Catholics of New York."

17. "Petition of the Catholics of New York."

18. "Freeman's Journal," May 7, 1842, cited in Ravitch, *Great School Wars*, 79.

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20. See Michael Feldberg, *The Philadelphia Riots of 1844: A Study of Ethnic Conflict* (Westport, CT, 1975) and, of course, DelFattore, *Fourth R*.

21. First Plenary Council of Baltimore (1852) in McCluskey, *Catholic Education in America*, 78–81.

22. James W. Sanders, "Boston Catholics and the School Question, 1825–1907," in James W. Fraser, Henry Allen, and Sam Barnes, eds., *From Common School to Magnet School: Selected Essays in the History of Boston's Schools* (Boston, 1979), 43–75; and DelFattore, *Fourth R*, 46–51.

23. Sanders, "Boston Catholics," 68–70.

24. Correspondence and sermon by Bishop Bernard McQuaid in H. Shelton Smith, Robert T. Handy, and Lefferts A. Loetscher, *American Christianity*, 2 vols. (New York, 1963), 2:317–320.

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26. Green, *The Bible*, 96–101.

27. Ward M. McAfee, *Religion, Race, and Reconstruction: The Public School in the Politics of the 1870s* (Albany, NY, 1998), 27–41; Green, *The Bible*, 110–117, 132–135.

28. McAfee, *Religion, Race, and Reconstruction*, 57–75.

29. Green, *The Bible*, 137–177.

30. *Congressional Record*, 44th Congress, 1st sess., 5453–5456, 5595.

31. Carl F. Kaestle, "Ideology and American Educational History," *History of Education Quarterly* 22 (Summer 1982): 127–128; John Higham, "Hanging Together: Divergent Unities in American History," *Journal of American History* 61 (June 1974): 12–18.

32. McAfee, *Religion, Race, and Reconstruction*.

33. McAfee, *Religion, Race, and Reconstruction*, 41.

34. See McAfee, *Religion, Race, and Reconstruction*, 220–222; see chapter 7 and Albert J. Menendez, *John F. Kennedy: Catholic and Humanist* (Buffalo, NY, n.d.).

35. The story of the school battle of 1840–1842 is told here primarily from the perspective of Carl Kaestle. For a thorough understanding, Kaestle, Ravitch, Lannie, and, of course, the original documents are all essential.

36. Kaestle, *Evolution of an Urban School System*, 146.

37. James W. Sanders, *The Education of an Urban Minority: Catholics in Chicago, 1833–1965* (New York, 1977), 3–5.

38. Sanders, "Boston Catholics.".

39. "The Plenary Councils of Baltimore," in McCluskey, *Catholic Education*, 78–94; see especially 80 and 94; see also Sanders, *Education of An Urban Minority*, 12–14.

40. John Ireland, "State Schools and Parish Schools," address to the National Education Association (1890) in McCluskey, *Catholic Education*, 127–140, see especially 128, 129, 131.

41. Ireland, "State Schools and Parish Schools," 135.

42. Ireland, "State Schools and Parish Schools," 132–133.

43. Ireland, "State Schools and Parish Schools," 127–140.

44. "Bernard McQuaid to Leo XIII, Rochester, December 13, 1892," in McCluskey, *Catholic Education*, 161–165.

45. "Archbishop Ireland's Letter to Cardinal Gibbons Explaining in Detail His Address on State Schools at St. Paul in July, 1890," in McCluskey, *Catholic Education*, 141–150; see especially 146, 147, 164.

46. "Archbishop Francis Satolli's Fourteen Propositions Presented November 17, 1892, to the Archbishops of the United States for Settling the School Question," in McCluskey, *Catholic Education*, 151–160.

47. Sanders, *Education of an Urban Minority*, 4, 14.

48. McCluskey, *Catholic Education*, 1, 25.

Chapter 4 • Church and School in Slave and Free Communities, 1802–1902

1. W. E. B. Du Bois, *Black Reconstruction in America* (1935, repr. Cleveland, OH, 1962), 641–649.

2. Carl F. Kaestle, *The Evolution of an Urban School System: New York City, 1750–1850* (Cambridge, MA, 1973), 49–55.

3. For a very thoughtful and detailed study of "Black Schools in White Boston," see Stanley K. Schultz, *The Culture Factory: Boston Public Schools, 1789–1860* (New York, 1973), and Byron Rushing, "Black Schools in White Boston, 1800–1860," in James W. Fraser, Henry Allen, and Sam Barnes, eds., *From Common School to Magnet School* (Boston, 1979), 15–27.

4. Both Schultz and Rushing tell the story of the campaign against segregated schools in Boston, resulting in the 1855 state legislation outlawing segregation in the public schools of Massachusetts.

5. Anne M. Boylan, *Sunday School: The Formation of an American Institution, 1790–1880* (New Haven, CT, 1988); James D. Anderson, *The Education of Blacks in the South, 1860–1935* (Chapel Hill, NC, 1988), 13–15.

6. Thomas L. Webber, *Deep Like the Rivers: Education in the Slave Quarter Community, 1831–1865* (New York, 1978), 43–58.

7. J. Brevard, ed., *Digest of the Public Statute Law of South Carolina* (Charleston, SC, 1814), 2:229.

8. Webber, *Deep Like the Rivers*, 43–58.

9. See "Statement of Nat Turner, 1831," and "An Act to Prevent All Persons from Teaching Slaves to Read or Write, the Use of Figure Excepted; the General Assembly of the State of North Carolina, 1831," in Manning Marable and Leith Mullings, eds., *Let Nobody Turn Us Around: Voices of Resistance, Reform, and Renewal* (Lanham, MD, 2000), 35–42. See also Herbert Aptheker, *Nat Turner's Slave Rebellion: Together with the Text of the So-Called Confessions of Nat Turner Made in Prison in 1831* (New York, 1966), and Ira Berlin, ed., *Free at Last: A Documentary History of Slavery, Freedom, and the Civil War* (New York, 1992).

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11. Robert Manson Myers, *The Children of Pride: A True Story of Georgia and the Civil War* (New Haven, CT, 1972).

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14. Jamie Parker, *Jamie Parker, the Fugitive, Related to Mrs. Emily Pierson* (Hartford, CT, 1851), 20–22, in Anderson, *Education of Blacks*, 16–20.

15. Anderson, *Education of Blacks*, 5; see also Franklin and Moss, *From Slavery to Freedom*, 137.

16. All quotations are from Webber, *Deep Like the Rivers*, 80–81.

17. Webber, *Deep Like the Rivers*, 43–58, and Franklin and Moss, *From Slavery to Freedom*, 133–136.

18. Webber, *Deep Like the Rivers*, 206.

19. "The Clandestine Congregation," in Webber, *Deep Like the Rivers*, 191–206.

20. Anderson, *Education of Blacks*, 4–17.

21. Anderson, *Education of Blacks*, 4–17.

22. Anderson, *Education of Blacks*, 4–17.

23. Anderson, *Education of Blacks*, 17.

24. John Hope Franklin, ed., *Reminiscences of an Active Life: The Autobiography of John Roy Lynch* (Chicago, 1970).

25. Anderson, *Education of Blacks*, 7.

26. Anderson, *Education of Blacks*, 11–13.

27. David Tyack and Robert Lowe, "The Constitutional Moment: Reconstruction and Black Education in the South," *American Journal of Education* 94 (Feb. 1986): 236–256, cited in Anderson, *Education of Blacks*, 18–19.

28. Lyman Abbott, E. H. Canfield, O. B. Frothingham, Francis R. Cope, and Nathan Bishop, *Education and Religion* (New York, 1866), pamphlet in the files of the Samuel J. May antislavery collection, Congregational Library and Archives, Boston. Special thanks to New York University honors student Sarah Garrett for tracking down this publication.

29. See Wayne Urban and Jennings Wagoner, Jr., *American Education: A History* (New York, 1996), 140–151.

30. Carl Schurz reporting on comments made to him by white planters in late 1865, cited in Anderson, *Education of Blacks*, 20–21.

31. Urban and Wagoner, *American Education*, 148–150.

32. See Urban and Wagoner, *American Education*; Anderson, *Education of Blacks*, 18–32.

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34. Asbury P. Jones, Jr., "Public Education and the Black Church" (unpublished paper, Harvard Divinity School, January 1998).

35. Evelyn Brooks Higginbotham, *Righteous Discontent: The Women's Movement in the Black Baptist Church* (Cambridge, MA, 1993), 55.

36. Jones, "Public Education and the Black Church."

37. Lester F. Russell, *Black Baptist Secondary Schools in Virginia, 1887–1957* (London, 1981), 41, cited in Jones, "Public Education and the Black Church."

38. Russell, *Black Baptist Secondary Schools*, 23–24.

39. Higginbotham, *Righteous Discontent*, 19.

40. Booker T. Washington, *The Future of the American Negro* (Boston, 1899); W. E. B. Du Bois, *The Souls of Black Folk* (Chicago, 1903).

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43. See Edward J. Blum, *W. E. B. Du Bois: American Prophet* (Philadelphia, 2009). Du Bois's quotations are from "The Church and Religion," *The Crisis*, 40, no. 10 (Oct. 1933): 236–237. See also Kathryn Lofton, review of *W. E. B. Du Bois: American Profit*, by Edward J. Blum, *Books & Culture: A Christian Review*, Dec. 2008, http://www.booksandculture.com/articles/webexclusives/2008/december/081215b.html.

44. Anderson, *Education of Blacks*, 238–266. See also Malczewski, *Building a New Educational State*, forthcoming.

Chapter 5 • Native American Religion, Christian Missionaries, and Government Schools, 1819–1978

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3. All quotations are from Ronald Takaki, *A Different Mirror: A History of Multicultural America* (Boston, 1993), 101–105.

4. Cited in Lawrence A. Cremin, *American Education: The Colonial Experience, 1607–1783* (New York, 1970), 12.

5. Spring, *American School*, 39; Cremin, *Colonial Experience*, 158–161.

6. E. Jennifer Monaghan, "'She Loved to Read in Good Books': Literacy and the Indians of Martha's Vineyard, 1643–1725," *History of Education Quarterly* 30, no. 4 (Winter 1990): 493–521.

7. Takaki, *A Different Mirror*, 24–50.

8. Lawrence A. Cremin, *American Education: The National Experience, 1783–1876* (New York: 1980), 230–234; Spring, *American School*, 40–41.

9. Cremin, *National Experience*, 234–235; Spring, *American School*, 42–43.

10. Cremin, *National Experience*, 234–236.

11. See John Sugden, *Tecumseh: A Life* (New York, 1997).

12. David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875–1928* (Lawrence, KS, 1995), 6; see also Cremin, *National Experience*, 234–236.

13. Herman Viola, *Thomas L. McKinney: Architect of America's Early Indian Policy: 1816–1830* (Chicago: 1974); Cremin, *National Experience*, 236–237; Spring, *American School*, 42–44.

14. Takaki, *A Different Mirror*, 84–105; Spring, *American School*, 34–49.

15. Takaki, *A Different Mirror*, 88, 93–97.

16. For a good description of the removal tragedy, see Takaki, *A Different Mirror*, 84–105. For Protestant missionary issues, see Robert F. Berkhofer, Jr., *Salvation and the Savage: An Analysis of Protestant Missions and American Indian Response, 1787–1862* (Louisville, KY, 1965).

17. See Theda Perdue, *Cherokee Women* (Lincoln, NB, 1998); Devon A. Mihesuah, *Cultivating the Rosebuds: The Education of Women at the Cherokee Female Seminary, 1851–1909* (Urbana, IL, 1993); and Anne Ruggles Gere, "Indian Heart/White Man's Head: Native American Teachers in Indian Schools, 1880–1930," *History of Education Quarterly*, 45, no. 1 (Spring 2005): 38–65.

18. See Adams, *Education for Extinction*, 6–9.

19. Adams, *Education for Extinction*, 14–15; Kenneth W. Townsend and Mark A. Nicholas, *First Americans: A History of Native Peoples*, vol. 2, *Since 1861* (Boston, 2013), 2:365.

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21. See Adams, *Education for Extinction*, 28–59.

22. Adams, *Education for Extinction*, 113, citing Raymond J. DeMallie, ed., *The Sixth Grandfather: Black Elk's Teachings Given to John G. Neihardt* (Lincoln, NB, 1984), 290–301,

and Bernard L. Fontana, "The Melting Pot That Wouldn't: Ethnic Groups in the American Southwest since 1846," *American Indian Culture and Research Journal*, 1 (1974): 21.

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24. Takaki, *A Different Mirror*, 228–231.

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26. Francis La Flesche, *The Middle Five: Indian Boys at School* (Boston, 1900), cited in Michael C. Coleman, "The Responses of American Indian Children to Presbyterian Schooling in the Nineteenth Century: An Analysis through Missionary Sources," *History of Education Quarterly*, 27, no. 4 (Winter 1987): 473–497; Townsend and Nicholas, *First Americans,* 2:378.

27. S. C. Gwynne, *Empire of the Summer Moon: Quanah Parker and the Rise and Fall of the Comanches, the Most Powerful Indian Tribe in American History* (New York, 2010). For the school story, Gwynne cites an unidentified newspaper story about the school board in Quanah Parker Collection, Panhandle Plains Historical Museum, Canyon, Texas. See also Townsend and Nicholas, *First Americans*, 396–398.

28. Lewis Meriam, *The Problem of Indian Administration* (Baltimore, 1928), cited in Spring, *American School*, 162–163; see also R. Pierce Beaver, *Church, State, and the American Indians* (St. Louis, MO, 1966), 207–212.

29. John Collier, Commissioner of Indian Affairs, *Annual Report of 1934*, in Francis Paul Prucha, *Documents of United States Indian Policy* (Lincoln, NB, 1990), 225–228; see also Takaki, *A Different Mirror*, 238–240; Beaver, *Church, State*, 210–211; and Prucha, *The Great Father*, 2:1100–1106; Townsend and Nicholas, *First Americans*, 462–467.

30. *Indian Education: A National Tragedy—A National Challenge*, U.S. Senator Labor and Public Welfare Committees, Report of a Special Subcommittee on Indian Education, 1969. See also American Indian Education Foundation, www.nrcprograms.org.

31. Paul Chaat Smith and Robert Allen Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York, 1996); William Hagan, *American Indians* (repr. 1993; Chicago, 1961).

32. American Indian Religious Freedom Act, August 11, 1978, a joint resolution of Congress, in Prucha, *Documents*, 288–289.

33. Edward Everett is cited in Stanley K. Schultz, *The Culture Factory: Boston Public Schools, 1789–1860* (New York, 1973), 260; see Jon Reyhner and Jeanne Eder, *A History of Indian Education* (Billings, MT, 1989).

34. Carl F. Kaestle, "Ideology and American Educational History," *History of Education Quarterly,* 22 (Summer 1982): 127–128; John Higham, "Hanging Together: Divergent Unities in American History," *Journal of American History*, 61 (June 1974): 12–18; Adams, *Education for Extinction*, 9–12; Vine Deloria, "The Perpetual Education Report," in Vine Deloria and Daniel Wildcat, eds., *Power and Place: Indian Education in America* (Golden, CO, 2001).

35. Mary Crow Dog and Richard Erdoes, *Lakota Woman* (New York, 1990), 30.

Chapter 6 • The Many Origins of the Scopes Trial, 1859–1925

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2. Ronald Takaki, *A Different Mirror: A History of Multicultural America* (Boston, 1993), 191–221. See documents in my *The School in the United States: A Documentary History*, 3rd. ed. (New York, 2013), 184–193.

3. Takaki, *A Different Mirror*, 246–276.

4. Mary Antin, *The Promised Land* (Boston, 1912), 202, see also 7–8.

5. Antin, *The Promised Land*, 8, 202, 242–244.

6. Robert T. Handy, *A Christian America: Protestant Hopes and Historical Realities* (New York, 1971), 213.

7. Handy, *A Christian America*, 199–207.

8. Larson, Edward J., *Summer for the Gods: The Scopes Trial and America's Continuing Debate over Science and Religion* (New York, 1997), 16–23.

9. See also Edward J. Larson, *Trial and Error: The American Controversy over Creation and Evolution* (New York, 1985), 7–27.

10. Larson, *Trial and Error*, 19–27; Larson, *Summer for the Gods*, 16–24.

11. Material in this chapter is drawn primarily from George M. Marsden, *Fundamentalism and American Culture: The Shaping of Twentieth-Century Evangelicalism: 1870–1925* (New York, 1980), see p. 119. Ernest R. Sandeen, *The Roots of Fundamentalism: British and American Millenarianism, 1800–1930* (Chicago, 1970), gives greatest weight to fundamentalism's theological roots. Earlier historians tended to focus on the social origins, including H. Richard Niebuhr, *The Social Sources of Denominationalism* (New York, 1929); Richard Hofstadter, *Anti-intellectualism in American Life* (New York, 1962); and William McLoughlin, "Is There a Third Force in Christendom?," *Daedalus* 96 (Winter 1967).

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13. See Marsden, *Fundamentalism and American Culture*, 164.

14. Marsden, *Fundamentalism and American Culture*, 38, 43–44, 66, 96–97, 118–119, 153, 164, 188.

15. See Marsden, *Fundamentalism and American Culture*, 38–188.

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19. Larson, *Trial and Error*, 45–48; Larson, *Summer for the Gods*, 43.

20. Larson, *Trial and Error*, 48–57.

21. Larson, *Trial and Error*, 48–57.

22. Arthur Garfield Hays, *Let Freedom Ring: Civil Liberties in American History* (1937; repr. Boston, 1972).

23. Clarence Darrow, *The Story of My Life* (1932); John A. Farrell, *Clarence Darrow: Attorney for the Damned* (New York, 2011).

24. Larson, *Summer for the Gods*, 83.

25. Larson, *Summer for the Gods*, 89–90.

26. Larson, *Trial and Error*, 26–27; Larson, *Summer for the Gods*, 24–25.

27. Larson, *Trial and Error*, 26–27; Larson, *Summer for the Gods*, 24–25.

28. H. L. Mencken, "Battle Now Over; Genesis Triumphant and Ready for New Jousts," *Baltimore Evening Sun*, July 18, 1925, cited in Jeffrey P. Moran, *The Scopes Trial: A Brief History with Documents* (Boston, 2002), 168–170.

29. The story and quotes from the trial here are drawn primarily from Larson, *Summer for the Gods*; see also Larson, *Trial and Error*; and Ray Ginger, *Six Days or Forever? Tennessee v. John Thomas Scopes* (New York, 1958).

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31. *Baltimore Evening Sun*, July 17, 1925.

32. Moran, *The Scopes Trial*, 70–72.

33. Regina Malone, "The Fabulous Monster," *Forum,* July 1926, 26–30.

34. "If Monkeys Could Speak," *Defender*, May 23, 1925.

35. George W. Hunter*, A Civic Biology* (New York, 1914), 195–196, 261–263. See also Alan Stoskopf, *Race and Membership in American History: The Eugenics Movement* (Boston, 2002).

36. William Jennings Bryan, "Who Shall Control?," in William Jennings Bryan and Mary Baird Bryan, *The Memoirs of William Jennings Bryan* (Philadelphia, 1925), 526–528; reprinted in 189–191.

37. Dudley Field Malone [ACLU attorney and part of the Scopes defense team], transcript of the trial, Jeffrey P. Moran, *The Scopes Trial: A Brief History with Documents* (Boston, 2002), 126–130.

38. Malone, transcript, 131.

Chapter 7 · Prayer, Bible Reading, and Federal Money

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2. David Tyack and Elisabeth Hansot, *Managers of Virtue: Public School Leadership in America, 1820–1980* (New York, 1982), 6–7, 106.

3. Slawson, *Department of Education Battle*, 3–23. See esp. quotations on pages 15, 19, and 23.

4. Slawson, *Department of Education Battle*, 56–59, 67–68.

5. Pierce v. Society of Sisters, 268 U.S. 512 (1925); Meyers v. Nebraska, 260 U.S. 390 (1923); Lawrence A. Cremin, *American Education: The Metropolitan Experience, 1876–1980* (New York, 1988), 552–553; Gary L. McDowell, "The Explosion and Erosion of Rights," in David J. Bodenhamer and James W. Ely, Jr., *The Bill of Rights in Modern America: After 200 Years* (Bloomington, IN, 1993), 31; and Philip Hamburger, *Separation of Church and State* (Cambridge, MA, 2002), 399–422.

6. Slawson, *Department of Education Battle*, esp. 111–113, 139, 143, 182.

7. All quotations from Robert T. Handy, *A Christian America: Protestant Hopes and Historical Realities* (New York, 1971), 199–207.

8. Edwin S. Gaustad, "Consensus in America: The Churches' Changing Role," *Journal of the American Academy of Religion*, 36 (March 1968): 35–36, cited in Handy, *Christian America*, 209.

9. Timothy L. Smith, "Protestant Schooling and American Nationality, 1800–1850," *Journal of American History*, 53 (1966–1967): 687.

10. John Dewey, *A Common Faith* (New Haven, CT, 1934), see esp. 2, 31–32, and 86.

11. Wayne Urban and Jennings Wagoner, Jr., *American Education: A History* (New York, 1996), 209–210.

12. Gilman Ostrander, *The Rights of Man in America, 1606–1861* (Columbia, MO, 1960), pp. 314–315, cited in Handy, *Christian America*, 209.

13. John Collier, "Annual Report of the Commissioner of Indian Affairs" (1934) in Francis Paul Prucha, *Documents of United States Indian Policy* (Lincoln, NB, 1975/1990), 225–228. See chapter 5 of this book for more detail.

14. Cited in Mark E. Dudley, *Engle v. Vitale (1962): Religion in the Schools* (New York, 1995), 38–39.

15. Minersville School District v. Gobitis, 310 U.S. 586 (1940). Note: The family name is Gobitas. A spelling error in the initial documents has been retained as the case is known as the Gobitis case. Dudley, *Engel v. Vitale*, 37–52.

16. West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943). See Dudley, *Engle v. Vitale*, 48–51; David Fellman, ed., *The Supreme Court and Education*, 3rd ed. (New York, 1976), 32–47.

17. West Virginia State Board of Education v. Barnette, in Fellman, *Supreme Court and Education*. Jackson's opinion also reflects another little noticed but far-reaching Supreme Court decision, Cantwell v. Connecticut, 310 U.S. 296 (1940), which for the first time clearly affirmed that the First Amendment guarantee of freedom of religion is covered by the Fourteenth Amendment and therefore applies to state and local jurisdictions.

18. Robert W. Lynn and Eliott Wright, *The Big Little School: Two Hundred Years of the Sunday School*, rev. and enlarged 2nd ed. (Birmingham, AL, 1980), 3–4; Cremin, *American Education*, 236–237; Randolph S. Bourne, *The Gary Schools* (Boston, 1916).

19. Fellman, *Supreme Court and Education*, 48–61; see also Dudley, *Engle v. Vitale*, 55–60.

20. Illinois ex rel. McCollum v. Board of Education, 333 U.S. 203 (1948), in Fellman, *Supreme Court and Education*, 48–61; see also Dudley, *Engle v. Vitale*, 55–60.

21. Zorach v. Clauson, 343 U.S. 306 (1952), cited in Fellman, *Supreme Court and Education*, 62–73, and discussed in Dudley, *Engle v. Vitale*, 59–60. As a side note, the author remembers attending release-time instruction in the public schools of Alhambra, California, during the 1950s. He and other Protestants and Jewish students attended classes in trailers brought to the school once a week while the Catholic children walked to the nearby Catholic Church. Other, presumably more secular, students stayed behind for study hall.

22. Harry S. Truman, "Message to the Congress on the State of the Union," January 21, 1946, *Public Papers of the Presidents* (Washington, DC, 1946), 65; *Congressional Record*, Luther Patrick, July 17, 1945; Estes Kefauver, November 27, 1945; Clifford R. Hope, March 13, 1945.

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50. The material and citations on the Reagan educational agenda is from Lugg's exhaustive account *For God and Country*.

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4. Watson, *Christian Coalition*, 39.

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6. Watson, *Christian Coalition*, 51–87.

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